

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.158 OF 2022
IN
REVIEW APPLICATION (CIVIL) (ST.) NO.34531 OF 2021
IN
WRIT PETITION NO.12110 OF 2021
AND
REVIEW APPLICATION (CIVIL)(ST.) NO.34531 OF 2021
IN
WRIT PETITION NO.12110 OF 2021

Abdulla Rahim Shaikh,
Age : 33 years, Occu. Business,
R/o R-17/1723/1724, Gauspura,
Galli No.5, Latur,
Tal. and District Latur

APPLICANT
(Orig. Petitioner)

VERSUS

1. The State of Maharashtra,
through the Secretary for
Cooperation and Marketing,
Mantralaya, Mumbai-32
2. The Commissioner
for Cooperation and Registrar,
Cooperative Societies,
Maharashtra State,
2nd Floor, New Central Building,
Dr. Babasaheb Ambedkar Road,
Pune, Maharashtra
3. District Registrar of
Cooperative Societies,
Latur, Tal. & Dist. Latur
4. Tajjmul Ustad Scrap and
Industrial Cooperative
Society, Latur,
No. LTR/PRD/(I)/332 Year 2000
On 13.07.2000

(Registration Stands cancelled),
through its Chief Promoter

5. Latur Steel and Scrap
Industrial Cooperative Society,
Latur, Tal. & Dist. Latur
LTR/LTR/PRD/(I)/275 Year 2011
on 8.04.2011,
through its President

RESPONDENTS
(Orig. Respondents)

Mr. S.B. Solanke, Advocate for the applicant
Mr. A.S. Shinde, A.G.P. for the respondents/State

**CORAM : S.V. GANGAPURWALA AND
S.G. DIGE, JJ.**

DATE : 07.01.2022

PER COURT :

Heard.

2. The applicant seeks review of the order dated 28th October, 2021 passed by this Court in Writ Petition No.12110 of 2021.

3. The learned Advocate for the applicant submits that this Court did not entertain the petition on the ground that the encroachment alleged is in the private property of the Cooperative Oil Industry. The learned Advocate submits that after the shut down of the Cooperative Oil Industry, Latur, the said Industry was looked after and controlled by the District Deputy Registrar of Cooperative Societies. Though the said Industry owns the property, the same is controlled and administered by the District Deputy Registrar,

Cooperative Societies, Latur. Some property therefrom is sold by respondent Nos.1, 2 and 3 by public auction. The applicant/petitioner is the owner and possessor of the shop in the scrap market, which was allotted to the father of the petitioner, and as such it cannot be said that it is a private property. Even the enquiry is directed to be conducted by the appropriate authority.

4. Under order dated 28th October, 2021, passed in Writ Petition No.12110/2021, we had refrained ourselves from exercising our jurisdiction under Article 226 of the Constitution of India as the encroachment alleged was on the property of the Cooperative Oil Industry. We cannot go into disputed questions of fact. We have also made it clear that the petitioner may avail remedy as may be permissible under law, while passing the order dated 28th October, 2021. If the petitioner has already approached the authorities, it is for him to prosecute and avail the alternate remedy.

5. In view of above, the Review Application and the Civil Application stand disposed of. No costs.

[S.G. DIGE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE