

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2129 OF 2018

Jal Devta Magasvargiya Matsy
Vyavsay Sahakari Sanstha,
Through its Chief Promotor
Venkat Narsing Kawale

.. Petitioner

Versus

1. District Deputy Registrar
Co-operative Societies (fisheries), Mumbai.
2. Regional Deputy Commissioner,
Fisheries, Aurangabad.
3. Assistant Registrar,
Co-operative Societies (Dairy), Latur.
4. Assistant Commissioner,
Fisheries (Technical), Latur.
5. Jogeshwari Matsy Vyavsay
Sahakari Sanstha,
Through its Secretary,
Arjun Maroti Khairmode

.. Respondents

Mr. Sandeep C. Swami, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 4.
Mr. Dnyaneshwar B. Pokale, Advocate for Respondent No. 5.

CORAM : KISHORE C. SANT, J.

DATED : 21st JUNE, 2023.

P. C. :-

. Heard learned advocates for the parties.

2. At the outset, learned advocate for respondent No. 5 raises the objection about maintainability of this writ petition. He submits that, the impugned order is passed by the Deputy Registrar, Co-operative Societies (Fisheries), Maharashtra State, Mumbai under Section 152 of the Maharashtra Co-operative Societies Act (for short “M.C.S. Act”) and the said order is challengeable under Section 154 of the M.C.S. Act.

3. Learned advocate for the petitioner submits that, earlier this Court had already decided Writ Petition No. 2442/2015 and in view of that he had filed an appeal before the Deputy Registrar. He further submits that, once the issue was decided by this Court in the earlier writ petition, the issue has already attained finality.

4. Going through the order passed by this Court in Writ Petition No. 2442/2015 it is seen that, the Court had only observed that, in the facts and circumstances of the case no interference was warranted in writ jurisdiction in the realm of discretionary powers of this Court and the petition was dismissed. There is nothing to show that this Court had decided the issue involved before the Appellate Court wherein the impugned order is passed. When the revision is maintainable under Section 154 of the M.C.S. Act, it is always open for the authorities to consider the revision by exercising jurisdiction vested in the said authorities. As already observed, there is nothing in the order in Writ

Petition No. 2442/2015 which would cause prejudice to the rights of any of the parties.

5. In view of this, this Court finds that when alternative remedy is very much available, this petition does not require to be considered.

6. The writ petition stands disposed off.

7. Needless to say that, all the contentions of the parties are kept open. The revisional authority is expected to consider the time consumed in this Court while pursuing this writ petition.

8. Interim relief shall be in operation for a period of four (04) weeks from today.

(KISHORE C. SANT, J.)

PS.B.