

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

WRIT PETITION NO. 8831 OF 2023

Prakash Vitthalrao Apet

.. Petitioner

Versus

The State of Maharashtra
Through the Secretary and others

.. Respondents

Mr. Shashikant T. Chalikwar, Advocate for the Petitioner.
Mr. K. B. Jadhavar, AGP for Respondents/State.

CORAM : KISHORE C. SANT, J.

DATED : 26th JULY, 2023.

P C. :-

. Heard learned advocate for the petitioner for some time.

2. The petitioner is challenging the action taken pursuant to issuance of recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act. Though alternative remedy is available, the learned advocate for the petitioner submits that the property is attached and notice is issued on 11.07.2023 for auction. At serial No. 1 of the notice an auction is kept on 28.07.2023. When the recovery certificate was issued, the petitioner was in jail. The order was passed ex-parte.

3. Learned A.G.P. submits that, there is alternative remedy available to the petitioner.

4. It is in this view of the circumstances, this Court finds that, interest of justice can be served by directing the petitioner to file revision under Section 154 of the Maharashtra Co-operative Societies Act within a period of two (02) weeks from today. The petitioner undertakes to approach the said authority within a period of two (02) weeks from today by depositing 50% of the amount of recovery certificate.

5. In view of the same, this Court finds that, the petition can be conveniently disposed off without issuing notices to other parties.

6. Thus, the writ petition is disposed off.

7. There shall be stay to the notice dated 11.07.2023 only for the period of two (02) weeks from today to facilitate the petitioner to approach the revisional authority by filing revision and to pay 50% of the amount of recovery certificate.

8. The parties to act upon authenticated copy of this order.

(KISHORE C. SANT, J.)

P.S.B.