

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7571 OF 2023

1. Vishal Bhimrao Kadam
& Anr.

... Petitioners

Versus

1. Assistant Registrar, Co-operative Society,
Government of Maharashtra & 5 Ors..

... Respondents

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Mr. Rajesh Tekale a/w. Ms. Amruta Wanve, Advocate for
petitioners.

Mr. N. K. Rajpurohit, AGP for respondents.

**CORAM : DHIRAJ SINGH THAKUR &
SANDEEP V. MARNE, JJ.**

DATE : 21st JUNE, 2023.

PC:

1. We have heard learned counsel for the petitioners.
2. The petitioners challenge recovery certificate issued by the Assistant Registrar, Co-operative Societies under section 101 of the Maharashtra Co-operative Societies Act, 1960 ('the Act') whereby an amount of Rs.35,87,000/- is sought to be recovered from the petitioners.
3. The petitioners state that the recovery certificate has been issued ex-parte without hearing the petitioners. However, from the

record, it can be seen that due notices were issued to the petitioners during the proceedings conducted by the Assistant Registrar. It is not the case of the petitioners that the notices issued by the Assistant Registrar, Co-operative Societies, during the proceedings conducted by him leading to the issuance of the order in terms of section 101 of the Act, were not received by the petitioners.

4. In our opinion, the petitioners do have an alternate remedy by way of filing a revision application under section 154 of the Act which they may be entitled to avail. In the presence of the alternate remedy available to the petitioners, we do not find this a fit case for exercising our writ jurisdiction in the matter. Be that as it may, the petition is disposed of accordingly.

[SANDEEP V. MARNE, J.]

[DHIRAJ SINGH THAKUR, J.]