

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3096 OF 2022

Anil Pandurang Ghadi & Ors.

..Petitioners

Vs.

Assistant Registrar Co.Op. Soc. & Ors.

...Respondents

Mr. Fayzan Khan for Petitioners.

Mr. Sandesh Patil with Mr. Prithviraj Gold for Respondent No.1.

Ms. Sushma Bhide, AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : JANUARY 20, 2023

P.C.:

1. This petition has assailed an order dated 1 November, 2021 passed by the learned Divisional Joint Registrar of Co-operative Societies, Mumbai Division, Mumbai, whereby an appeal of the petitioners being Appeal No. 176 of 2021 has been dismissed thereby upholding the order dated 16 March, 2021 passed by the Assistant Registrar, Co-operative Societies, SRA, Mumbai under Section 78(A)(1) of the Maharashtra Co-operative Societies Act, 1960 (for short, "MCS Act").

2. The learned AGP has raised a preliminary objection on the maintainability of the appeal on the ground that there is alternate remedy available against the impugned order under Section 154 of the MCS Act. As the petitioners have an alternate remedy available, this petition is not required to be entertained.

3. The petition is disposed of permitting the petitioners to avail alternate available remedy.
4. All contentions of the parties on merits in the alternate proceedings are expressly kept open.
5. Disposed of in the above terms. No costs.
6. Needless to observe that as the petitioners were pursuing this petition bonafide, the revision, if any, is filed by the petitioners within one week from today, the same be entertained without an objection on limitation.

[G.S. KULKARNI, J.]