

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13772 OF 2022

Shri. Naranbhai Kalidas Gohil And Ors. ...Petitioners
Versus
The State Of Maharashtra
Through The Secretary Of The Ministry of Co-operation
And Ors. ...Respondents

...
Mr. Suresh Barne a/w Mr. Vivek N. Machha, for Petitioners.
Mrs. V.S. Nimbalkar, A.G.P., for Respondent-State.
...

CORAM : SANDEEP V. MARNE, J.
DATE : SEPTEMBER 27, 2023.

P.C.:

1. The Petitioners have challenged the order dated 6 July 2022 passed by the Divisional Joint Registrar, Co-operative Societies in Appeal No.282 of 2021. The Appeal was filed challenging the order dated 12 August 2021 passed by the Deputy Registrar of Co-operative Societies.
2. It appears that Petitioner has an alternative equally efficacious remedy of filing a revision under Section 154 of the Maharashtra Cooperative Societies Act, 1960 (**Act of 1960**) against the order dated 6 July 2022. When the alternate remedy was pointed out to the learned counsel for the Petitioner,

he would submit that since fraud has been committed by the members of the managing committee, Petitioners may not be relegated to the alternate remedy. He would place reliance on Judgments of the Apex Court in *S.P. Chengalvaraya Naidu (dead) by L.Rs. Vs. Jagannath by L.Rs.* AIR 1994 SC 853 and *Yashoda (alias Sodhan) Vs. Sukhwinder Singh and Ors.* AIR 2022 SC 4623. However, in the present case there is no allegations that fraud is committed on the Divisional Joint Registrar in passing the order dated 6 July 2022. The allegation of fraud is against the members of the managing committee while managing the affairs of the society. That aspect can be looked into in the Revision filed if under Section 154 of the Act of 1960.

3. Reserving the liberty to the Petitioners to file Revision under Section 154 of the Act of 1960, present Petition is disposed of.

(SANDEEP V. MARNE, J.)