



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
918 WRIT PETITION NO. 13016 OF 2024

KARBHARI ARJUN SASE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Thorat Nanabhau R
Addl.GP for Respondent/State : Mr. S.K.Tambe

...

CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATE : 13th DECEMBER 2024

PER COURT :

. Heard learned counsel for the petitioner and AGP for respondent nos. 1 to 4.

2. The petitioner is seeking direction to respondent nos.2 to 4 to decide the application and further directions to respondent nos. 5 and 6 to issue No dues certificate and the original document of property of the petitioner.

3. Learned AGP raises preliminary objection regarding maintainability of the petition. He would submit that no writ would lie against respondent no.5, which is a co-operative society. He would submit that it is a transaction between petitioner and respondent nos.5 and 6. The respondent nos.1 to 4 has no role as such to play. He would further submit that the respondent authorities cannot

compel to respondent no.5 to issue no dues certificate. Besides that he would submit that there are disputed question of facts.

4. Learned counsel for the petitioner has strenuously submitted that substantial amount double the amount borrowed from respondent no.5 has already been repaid. Under these circumstances, he would submit that respondent no.5 cannot withhold no dues certificate. He would further submit that there is one time settlement and in pursuance thereof repayment has been made.

5. The case in hand involve disputed question of facts. We are not in a position to determine whether there is one time settlement or not or whether petitioner has made substantial repayment.

6. We are of considered view that there is alternate efficacious remedy. Writ Petition is dismissed for having alternate efficacious remedy. He will be at liberty to avail the alternate remedy.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]