



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

35 WRIT PETITION NO. 13041 OF 2024

Bhausahab Natha Pawar And Others

VERSUS

The State Of Maharashtra Through The Divisional Joint Registrar  
And Others

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Mr. Sanjeev Deshpande, Senior Advocate i/b Mr. S.S.

Chapalgaonkar, Advocate for the Petitioners

Mr. K.B. Jadhavar, AGP for State

Mr. A.S. More, Advocate for respondent No. 5

Mr. S.K. Kadam, Advocate for respondent No. 3

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CORAM : KISHORE C. SANT, J.

DATE : 04<sup>th</sup> DECEMBER, 2024

PER COURT:

1. Heard learned Senior Advocate for the petitioners, learned AGP for respondent No. 1 and 2, Mr. S.K. Kadam, learned advocate for respondent No. 3 and Mr. A.S. More h/f. Mr. V.P. Savant, learned advocate for respondent No. 5.

2. The challenge in the petition is to the order passed by learned Divisional Deputy Registrar, Co-operative Societies, Latur in Appeal No. 13 of 2024.

3. At the very inception, learned advocate for

*Bhagyawant Punde*

respondent No. 5 raised an objection to the maintainability of this writ petition stating that a remedy of filing revision is available under section 154 of Maharashtra Co-operative Societies, Act.

4. Learned Senior advocate for petitioners, however, points out that the proceeding was initiated in view of objection raised under Rule 66 of Maharashtra Co-operative Societies Rules. He submits that there is specific remedy provided for the order passed under that rule and no appeal is filed for the order passed under Rule 66 under Section 152. Respondent No 5, however, still filed an appeal and that is entertained by Divisional Deputy Registrar, Co-operative Societies, Latur. The order is thus without jurisdiction and therefore, there is no question of filing any revision before the authorities and therefore, writ petition is maintainable.

5. After hearing arguments for some time, learned advocate Mr. More, fairly concedes to the position that the order passed is without jurisdiction. He further prays that he be granted liberty to file appropriate proceeding.

6. In view of above, writ petition is allowed in terms of

prayer clause 'B'.

7. Impugned order dated 28.10.2024, passed by Divisional Deputy Registrar, Co-operative Societies, Latur in Appeal No. 13/2024 is hereby quashed and set aside.

8. It is made clear that respondent No. 5 is entitled to avail any other remedy as provided under law, if advised.

9. With this, writ petition stands disposed of.

[KISHORE C. SANT, J.]