



(1)

37wp13380.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO. 13380 OF 2024

ABHISHEK KACHRU WAGHMARE AND OTHERS

....Petitioner

VERSUS

THE RECOVERY OFFICER PRERANA NAGARI SAHAKARI BANK
LTD AND OTHERS

.....Respondent

Mr. K. F. Shingare, Advocate for the petitioners

Mr. K. J. Suryawanshi, Advocate for the respondent No.1 and 2

CORAM : KISHORE C. SANT, J.

DATE : 10th DECEMBER, 2024

P. C.

1. Heard for sometime.

2. The learned advocate for the petitioner relied upon the judgment in the case of Renuka Agro Pvt. Ltd. Vs State of Maharashtra through its Secretary in WP/4617/2011 of this bench and submits that certificate under Section 101 of the Maharashtra Cooperative Societies Rules, can be directly challenged in a writ petition when there is violation of Rule 86-A

to 86-F of the Maharashtra Cooperative Societies Rules. From the judgment in the case of Renuka (supra) it is seen that bank had accepted that there was no compliance of procedure contemplated under Rule 86-A to 86-F. In that view of the matter this court was inclined to remit the proceeding back to the learned Deputy Registrar for deciding the proceeding under Section 101 afresh.

3. This court finds that in the present case the Cooperative Society maintains that procedure was properly followed. This court also finds that at this stage this court cannot go into the dispute as to whether procedure under Section 86-A of the Rules was followed or not. So far as the judgment in the case of Vijayalaxmi Traders Vs The Divisional Joint Registrar and others in WP/8784/2022, this court has remitted the matter back to the Deputy Registrar. However, the party had initially approached the learned Divisional Joint Registrar Societies by way of filing revision application.

4. In view of the above discussion this court finds that both the judgments are not applicable to the facts of the present case. Thus, this court is not inclined to entertain this writ petition. The writ petition, therefore stands disposed off as such.

5. The petitioner is at liberty to approach the proper authority by filing the revision, if so advised. In case revision is filed, the revision as authority shall consider the period consumed in prosecuting this writ petition before this court.

6. No order as to costs.

[KISHORE C. SANT, J.]