

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5131 OF 2015.

Ashok Sidram Shinde And Anr ...Petitioners.

Versus

Divisional Joint Register Co-Op.
Societies Kolhapur Division,
Kolhapur And Ors. ...Respondents.

Mr. Dheeraj Patil for the petitioners.
Ms. Tanu Bhatia, AGP for respondent Nos.1 and 2.
Mr. Kamlesh P. Mali for the respondent Nos.3 and 4.

Coram : Sharmila U. Deshmukh, J.

Date : 23rd July, 2024.

P. C. :

1. At the outset, learned counsel for the respondents submits that against the impugned order passed under Section 21A of The Maharashtra Co-operative Societies Act, 1960 (MCS Act), remedy of appeal is provided under Section 152 of the MCS Act.
2. Learned counsel for the petitioners submits that the order was passed without issuing notice to the petitioners and without giving them opportunity of being heard and thus this Court can entertain the petition.

3. It is not disputed that against the order passed under Section 21A of the MCS Act. There is a remedy of appeal under Section 152 of the MCS Act. The submissions as regards the violation of principles of natural justice can be taken as a ground to challenge the order under Section 152 of MCS Act. As such, I am not inclined to entertain the present petition in view of the availability of alternate remedy.

4. Petition stands disposed with liberty to petitioner to adopt appropriate remedy. It is made clear that this Court has not gone into merits of matter and all contentions of all parties are expressly kept open. In view of disposal of petition, Interim/Civil Applications, if any, do not survive for consideration and stand disposed of.

[Sharmila U. Deshmukh, J.]