

rrpillai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3221 OF 2023

Naranbhai Govind Halai

... Petitioner

Vs.

District Collector and

... Respondents

District Magistrate and Others

WITH

WRIT PETITION NO. 897 OF 2023

Dhirendrakumar Tarunshankar Soni

... Petitioner

Vs.

District Collector and

... Respondents

District Magistrate and Others

WITH

WRIT PETITION NO. 3333 OF 2023

Virendrasinh Sukhdevsinh Zala

... Petitioner

Vs.

District Collector and

... Respondents

District Magistrate and Others

Mr. Chinmay Athalye for the Petitioner.

Mr. Pradeep Gole for Respondent Nos. 3 and 5.

Mr. R. S. Pawar, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 27th FEBRUARY 2024

P.C.

1. These petitions were adjourned to enable the petitioners to take instructions whether the petitioners would make arrangement for securing the outstanding amount.
2. Learned counsel for the petitioners on instructions submits that the petitioners are not able to make arrangement for securing the outstanding amount. These petitions are filed for challenging orders passed under Rule 107 of the Maharashtra Co-operative Societies Rules, 1961 ("MCS Rules"). The petitioners have an efficacious alternate remedy under the MCS Rules.
3. Learned counsel for the petitioners states that the petitioners have already filed an application before the recovery officer under the aforesaid Rule 107 of the MCS Rules. Since the petitioners have already adopted appropriate efficacious alternate remedy, I do not see any reason to invoke the writ jurisdiction in these petitions.

4. Learned counsel for respondent nos. 3 and 5 disputes the submissions made on behalf of the petitioners that any application is filed before the recovery officer under the relevant clause of Rule 107 of the MCS Rules.

5. Hence writ petitions are dismissed.

6. It is clarified that it will be open to the petitioners to pursue their efficacious alternate remedy as permissible in law and dismissal of these petitions will not come in the way of pursuing alternate remedy.

7. Needless to clarify, that ad-interim protection granted in these petitions stand vacated.

[GAURI GODSE, J.]