

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 4893 OF 2017**

Kolhapur Zilla Madhyawarti Sahakari Bank      ... Petitioner  
Ltd, Kolhapur

vs.

Deputy Registrar, Cooperative Societies,      ... Respondents  
Kolhapur and Ors

Mr. S.R. Ganbavale a/w. Mr. Kush M. Lahankar, for Petitioner.

Mrs. Sulbha Chipde, AGP for Respondent Nos. 1 to 3-State.

**CORAM : GAURI GODSE, J.**

**DATED : 4<sup>th</sup> MARCH, 2024**

**P.C. :-**

1. Heard.
2. This petition takes an exception to the order passed by the Divisional Joint Registrar, Cooperative Societies in an appeal filed by the petitioner challenging the order of de-registration of respondent no. 2-society. By order dated 9<sup>th</sup> March 2012, the Deputy Registrar, Cooperative Societies has passed an order under section 21 read with section 110 of the Maharashtra Cooperative Societies Act ('MCS Act') for de-registration of respondent no.2-society.

3. Learned counsel for the petitioner submitted that since there are outstanding dues to be recovered from respondent no.2, it was necessary to hear the petitioner before passing an order of de-registration. He submits that since the order of de-registration was passed without a hearing given to the petitioner, an appropriate appeal was filed under section 152 of the MCS Act. However, the same has been dismissed.

4. I have perused the order of de-registration as well as the order dismissing the appeal of the petitioner. The Divisional Joint Registrar in the impugned order has observed that the Suit was pending for recovery towards the loan disbursed by the petitioner to respondent no.2. It is further observed in the impugned order that respondent no.2-society has gone under liquidation on 1<sup>st</sup> October 2001 and by default liquidation period is already exhausted. Hence, the Registrar had no power to extend the period of liquidation. Thus, the appeal preferred by the petitioner has been dismissed.

5. There is no dispute with regard to the dates referred to in the impugned order and the liquidation proceedings against respondent no.2. Hence, I do not see any error or illegality in the order impugned in this petition. Therefore, I see no reason to invoke the Writ Jurisdiction under Article 227 of the Constitution of India. The

petition is devoid of any merits. Hence, the petition is dismissed.

6. Needless to record the dismissal of this petition will not come in the way of the petitioner to recover the due amount by adopting procedure as permissible in law.

**(GAURI GODSE, J.)**