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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO. 872 OF 2025
AND
19 WRIT PETITION NO. 873 OF 2025

SHITAL JAGANNATH THALKARI AND OTHERS
....Petitioners

VERSUS

THE DIVISIONAL JOINT REGISTRAR CO OPERATIVE
SOCIETIES AND OTHERS
.....Respondents

Mr. Avinash A. Khande, Advocate for the petitioners
Mr. K. S. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 22nd JANUARY, 2025

P. C.

1. Heard the learned advocate for the petitioners.
2. In both the petitions a common question is raised and therefore both the petitions are taken up together for final disposal.
3. Against the petitioners the learned Assistant

Registrar has issued certificates under section 101 of the Maharashtra Societies Cooperative Act. The petitioners preferred the revision application before the learned Divisional Registrar Cooperative Societies, Aurangabad under Section 154 of the Act. The learned Joint Divisional Commissioner by order dated 07-10-2024 returned the revision application stating that the petitioners have not deposited the amount as required under Section 154 (2-a) which reads as under:

“154. Revisionary powers of State Government and Registrar:

(2-A) No application for revision shall be entertained against the recovery certificate issued by the Registrar under section 101 unless the applicant deposits with the concerned society, fifty percent, amount of the total amount of recoverable dues.”

4. The wording would clearly show that person against whom certificate is issued under Section 101 needs to deposit 50% of the amount of recoverable dues with the concerned society.

5. It is the submissions of the learned advocate for the petitioners that the petitioners do not have any difficulty in

depositing the amount as prescribed in above section. The grievance is that if the amount is deposited with the society, they apprehended that the amount would not be appropriated properly. There is every likelihood of the Chairman or the Management misappropriating the amount. It is submitted that said apprehension is in view of the fact that an enquiry is started under section 83 & 88 against the Directors of the Society. When such is the case the amount would not be secured in case the petitioners succeeds in the revision, it is, therefore, prayed that petitioners be permitted to deposit the amount with the office of learned Divisional Joint Registrar Cooperative Societies. From the prayers it appears that only prayer is about quashing and setting aside the impugned order dated 07-10-2024 & 29-07-2024.

6. Above submissions are made orally.

7. However, considering the wording of the section 154(2-A) this court finds that no such alternative submissions

can be entertained. So far as impugned order is concerned, this court does not find any illegality with the order passed by the learned authority. This court thus finds no merit in the petition.

8. At this stage learned advocate for the petitioners submits that the petitioners would deposit the amount in the society under protest as required under law. If the petitioners deposite the said amount with the society, the learned Divisional Joint Registrar may consider the revision application without looking to the earlier order passed on 07-10-2024 & 29-07-2024.

9. The writ petition, therefore, stands disposed off in above terms.

[KISHORE C. SANT, J.]