

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.15404 OF 2023

Shree Ganesh Handloom Weavers .. Petitioner
Co-Operative Society Limited

Versus

The State of Maharashtra through its .. Respondents
Secretary, Textiles Department,
Govt. of Maharashtra & Ors.

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Dr.Ramdas Sabban with Mr.Shrikant Kompelli and Mr.Pravin
Sabban for the Petitioner.

Mr.Y.S.Jahagirdar, Senior Advocate i/b Mr.Sandeep R.
Waghmare for the Respondent Nos.5 and 6.

Mr.M.M.Pabale, A.G.P. for the State/Respondent Nos.1 to 3.

CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.
DATED : 10th MARCH, 2025

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ORDER :- (Per Bharati Dangre, J.) :-

1. The present Writ Petition is filed by the Petitioner, a co-operative handloom society in Solapur in its capacity as a member/shareholder of the federation, claiming that it has indivisible legal share in its land and building. According to the Petitioner, by sale permission dated 07/12/1998, the Directors of Handlooms, Nagpur granted permission to sell the land of Solapur Zilla Vinkar Sahakari Federation-Respondent No.3, subject to carrying out its valuation and after securing

necessary permission from the 4-6 member Controlling Committee for auction sale/transfer. In addition, according to the Petitioner, it was also contemplated that priority should be given to co-operative handloom society, when the bids are invited.

It is the contention of the Petitioner that the condition, subject to which the permission was granted, is not adhered to and though the Petitioner pointed out its objection, no cognizance thereof was taken.

2. The present Petition is filed stating that despite the Government Special Auditor's Report dated 28/11/2022, recommending to conduct the detailed enquiry into the illegal sale permission, and the subsequent sale of land, in ignorance of the Petitioner being a handloom weaver co-operative society, entitled for preference and despite, having no authority or delegation under Section 158 of the Maharashtra Co-Operative Societies Act, the Deputy Commissioner, Solapur by impugned order dated 08/08/2020, has illegally granted permission for sale contrary to the Director's permission to sell only the land portion.

3. We repeatedly indicated to the counsel for the Petitioner that remedy of revision is available to him under Section 154

of the Maharashtra Co-Operative Societies Act, but according to him, the said remedy is not efficacious and he has urged that merely because there has an alternate remedy, the Court may not refuse to exercise its discretion.

4. Our attention was invited to the order dated 04/08/2023, passed in a petition instituted by the Petitioner (Writ Petition No.5124 of 2022), when the petition was disposed of, with liberty being granted to the Petitioner to prefer a representation, setting out the relevant facts as well as its grievance, culling out specific points, on which the Public Authority can focus upon.

5. We expressed our disinclination to exercise the discretion in favour of the Petitioner in the wake of the alternate remedy being available, which is found to be efficacious, as several disputed questions of facts are involved. When we looked at the representation preferred by the Petitioner to the State Government, we have noticed that, it has requested for a detailed enquiry in the matter of illegal sale of Weavco Process Land & Buildings by the Superior Government Agencies and also to restore the buildings to their original position, if demolished, which is a relief which cannot be granted by us. Despite our disinclination to entertain the

present Petition, learned counsel requests that a direction be issued to the Authorities, to whom the representation has been made on 01/10/2023, to decide the same expeditiously.

6. In the wake of the request made by the counsel for the Petitioner, we dispose of the Writ Petition, by directing Respondent Nos.1, 2 and 3 to take decision on the representation dated 1/10/2023 preferred by the Petitioner at the earliest and in any case, within a period of eight (8) weeks from today.

7. With the aforesaid direction, the Writ Petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)