

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.16626 OF 2024**

Shobha Vishal Shinde	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Mr.Sanjay Anabhawane i/b Ms.Tripti Nandoskar for the Petitioner.
Mr.Swapnil P. Kamble, AGP for Respondent No.1.
Mr.B.V. Samant, for Respondent Nos.2 and 3.

**CORAM : ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE : 23rd JANUARY, 2025.

P.C.

1. Heard the learned counsel for the parties at admission stage.
2. In this Writ Petition, the Petitioner has assailed the order dated 19/10/2024 passed by the Chief Judicial Magistrate, Mumbai, in Case No. 196/SA/2024, under Rule 107 of the Maharashtra Co-operative Societies Rules, 1961.
3. After arguing the matter to some extent, the learned counsel for the Petitioner fairly submits that against the aforesaid order, the

Petitioner has availed of the statutory remedy provided under Rule 107 (19) of the Rules by filing objection before the Recovery Officer. However, no orders are being passed on the aforesaid objection. It is submitted that the Writ Petition be disposed of with a direction to the Recovery Officer to decide the objection in a time bound manner.

4. On the other hand, the learned counsel for the Respondent submits that he has no objection to the aforesaid prayer.

5. In view of the aforesaid submission, and in the facts of the case as the Petitioner has already availed the statutory remedy available to him, we are not inclined to entertain the Petition. However, needless to state that the Petitioner shall appear before the Recovery Officer.

6. Accordingly, Writ Petition is disposed off with a direction to the Recovery Officer to decide the objection in accordance with law.

We make it clear that this Court has not expressed any opinion upon merits of the matter.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)