

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2054 OF 2025

Bhimrao Shankar Kudale ... Petitioner.
 Versus
 The President/Chairman, Chikotra Khore
 Gramin Bigersheti Sahakari Patsanstha & Ors. ... Respondents

Adv. Suvarna Yadav i/b Adv. Bhagyashree Mangle for Petitioner.
 Adv. Y.D. Patil, A.G.P. for the State.

CORAM : G. S. KULKARNI &
 ADVAIT M. SETHNA, JJ.

DATE : 25 MARCH 2025

P.C.:

1. Considering the nature of the grievance, on 10 March 2025, we have passed an order disposing of this petition directing Assistant Registrar of the Co-operative Society to decide the petitioner's application, which was a complaint against respondent no.1 of having not refunding the amount deposited by the petitioner with respondent no.1. The amount was Rs.1 lac, which was deposited and kept as saving for education of his son, as the petitioner was in a dire need of money, who is the only breadwinner in the family with no other source of income, he asked for return of the amount from respondent no.1. However, as his request was not considered, he made an application to respondent no.2 to issue a direction to respondent no.1 to release the amount to the petitioner. As

his application was not considered by respondent no.2, the present petition was filed.

2. Today, we are informed that the application as made by the petitioner is decided by the Assistant Registrar-Cooperative Society, Gargoti, Tal. Bhudargad, District Kolhapur. From the order, which is passed by the Assistant Registrar, it is clear there is a gross illegality in the functioning of Respondent No.1. It is not in dispute that the petitioner's amount was received by respondent no.1, however, a story has been set up that the clerk of respondent no.1 had on very same day when the cheque issued by the petitioner was encashed, withdrew the said amount in cash and accordingly the said amount was not available.

3. In these circumstances, the Assistant Registrar noting such illegality directed by the order dated 19 March 2025 that the said amount be returned by respondent no.1 to the petitioner within two days of the said order. Accordingly, the amount ought to have been received by the petitioner on 21 March 2025. However, the petitioner is before the Court, who states that the said amount is not received. At the relevant time, we were of the opinion that there is something amiss, we had kept the matter returnable for compliance.

4. We are quite surprised of the gross illegalities in the functioning of respondent no.1, as commented by the Assistant Registrar in his order dated 19 March 2025 as placed on record. Thus the only alternative

appears to be now that the Assistant Registrar will have to immediately issue a recovery certificate. The same be forwarded to the District Collector, Kolhapur. Let this exercise be undertaken within one week from today. The Collector, Kolhapur is directed to adhere to the orders dated 7 February 2025 and 19 March 2025, passed by this Court in the case of *Rajkumari Sharma Vs. State of Maharashtra, Through Collector of Thane And Anr., Writ Petition No.16709 of 2025* and is directed to take note of it and recover the amount which are due and payable.

5. Let the matter accordingly be listed for compliance on **8 April 2025**.

6. As this Court is seized with the matter, respondent no.1 in the event intends to seek any relief in regard to the recovery, liberty to respondent no.1 to apply only to this Court in the present proceedings.

7. The parties to act on an authenticated copy of this Order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]