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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4581 OF 2025

Arjun Jairam Galande	... Petitioner
V/s.	
The Assistant Registrar & Ors.	... Respondents

Mr. S. S. Panchpor a/w. Ms. P. A. Borhade for the Petitioner.

Ms. M. S. Srivastava, AGP for Respondent-State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 7, 2025

P.C.:

1. The challenge in the present petition is to an order passed by the Assistant Registrar, Cooperative Societies, in exercise of powers conferred under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short, "the Act"). The certificate of recovery is dated 24th December 2022. The petitioner has instituted the present petition on 10th March 2025, thereby invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India.

2. Insofar as the remedy of revision available to the petitioner under Section 154 of the Act is concerned, it would be apposite to note that the Full Bench of this Court in *Shireen Sami Gadiali v. Spenta Co-Operative Housing Society Ltd.*, (2011) 3 Mah LJ 486, has authoritatively held that the remedy of revision under Section 154 is a statutory remedy available as of right to an aggrieved

party. It has been further observed that when a statute provides for an efficacious alternate remedy, ordinarily, the High Court would refrain from exercising writ jurisdiction under Article 226, unless a case of lack of jurisdiction (*coram non judice*) or breach of fundamental principles of natural justice is made out.

3. In the present case, the certificate under Section 101 has been issued against the petitioner for recovery of dues. The petitioner disputes the execution of documents evidencing the loan transaction, primarily on the ground that the entire loan amount is shown to have been disbursed in cash, contrary to the provisions of the bye-laws of the Society. These are disputed questions of fact which necessarily require adjudication by the Revisional Authority under Section 154. It is well settled that where disputed questions of fact arise, the writ court would not entertain a petition under Article 226 of the Constitution of India. It is well settled that ordinarily, a writ petition would not be entertained where disputed facts requiring adjudication are involved.

4. In the present matter, the impugned order passed by the Assistant Registrar is not *ex facie* without jurisdiction or *coram non judice*. The allegations made by the petitioner regarding impropriety in the execution of documents and disbursement of the loan amount require detailed factual inquiry which is within the domain of the Revisional Authority under Section 154. Consequently, no exceptional circumstances warranting exercise of extraordinary jurisdiction under Article 226 are made out.

5. At this stage, learned Advocate for the petitioner submits

that the impugned order has been passed in breach of the principles of natural justice and in contravention of Rules 86(a) to 86(f) of the Maharashtra Co-operative Societies Rules, 1961, which mandate issuance of notice, opportunity to file reply, and conduct of inquiry before passing of the certificate under Section 101.

6. It is however well settled that allegations of breach of natural justice can also be raised before the Revisional Authority. Even the breach of principles of natural justice, unless it goes to the root and results in a fundamental miscarriage of justice, can be a ground of challenge before the appellate or revisional authority provided under the statute.

7. Thus, without expressing any opinion on the merits of the contentions raised by the petitioner, all grounds including those pertaining to breach of natural justice and violation of the Rules are kept open to be agitated by the petitioner in the revision application that may be filed under Section 154 of the Act.

8. In view of the availability of an efficacious alternate remedy, the present petition stands disposed of, without prejudice to the rights and contentions of the petitioner to pursue appropriate remedy in accordance with law. No order as to costs.

(AMIT BORKAR, J.)