

V/s.

Naigaon Shramik Sahakari Patpedhi ... Respondents
Ltd and Ors.

Mr. P.V. Nelsonrajan, AGP, for the respondent/State.

Mr. Amul Jawale, for the respondent no. 1 to 3.

DATE : 2nd JULY 2025

PC:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 20th January 2025 passed by the Chief Judicial Magistrate, Esplanade Court, Mumbai and the recovery certificate dated 20th July 2022 issued by the Assistant Registrar, Co-operative Society, Mumbai District Central Co-operative Bank Ltd., Mumbai, under Section 101 of the Maharashtra Co-operative Society Act, 1960. Since the petitioner has the statutory remedies under 154 of the Maharashtra Co-operative Society Act, 1960, the petition does not deserve to be entertained.

3. At this stage, the learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach the statutory authority to exhaust the remedy under the Maharashtra Co-operative Society Act, 1960.

4. The learned counsel further submits that since the possession of the subject attached premises is likely to be taken today, the execution and operation of the order passed by the Chief Judicial Magistrate dated 20th January 2025 be stayed for a period of one week, to facilitate the petitioner to invoke the remedy under the Maharashtra Co-operative Society Act, 1960.

6. The petition, thus, stands dismissed as withdrawn with liberty to the petitioner to approach the statutory authorities.

7. In the meanwhile, till 9th July 2025, the execution, operation and implementation of the order passed by the Chief Judicial Magistrate dated 20th January 2025 standss stayed.

8. It is clarified that, this Court has not entered into the merits of the matter, and all contentions of all the parties are kept open for consideration.

(N.J. JAMADAR, J)