

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4545 OF 2024**

Rajendra S. Desai	]	..	Petitioner
vs.			
Deputy Registrar	]	..	Respondent

Mr.Kunal Bhanage a/w Ms.Priiyanka Acharrya i/b Akshay Pawar for the Petitioner.

Mr.Abhay Patki, Addl. GP for State-Respondent No.1 to 3.

Mr.Gaurav Sinha i/b Mr. Anand Parchure for Respondent No.5.

Mr.Aseem Naphade for Respondent No.6.

Mr.Nirmal Shelar for Respondent No.7.

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

DATE : 31st JANUARY, 2025.

P.C.

1. The Petitioner is a member of Respondent-Society. In this Writ Petition, the Petitioner has assailed the validity of the orders dated 14/07/2023 and 16/10/2023 passed by the Deputy Registrar, Co-operative Societies, by which the Society has been subdivided into five independent societies, in exercise of purported powers under Section 17 (1)(c) of the Maharashtra Cooperative Societies Act, 1960 with Rule 16 of the Maharashtra Co-operative Societies Rules, 1961.

2. The learned counsel for the Petitioner fairly concedes that the Petitioner has an alternative remedy of an Appeal before the Divisional Joint Registrar. Hence, he submits that the Petitioner be granted the liberty to take recourse to the aforesaid remedy and since the period of limitation for availing the aforesaid remedy has expired, the Divisional Joint Register be directed to decide the Appeal which may be preferred by the Petitioner on merits.

3. We have considered the submission made by learned counsel for the Petitioner. Admittedly, against the impugned orders an Appeal lies under Section 152 of the Maharashtra Cooperative Societies Act, 1960. Needless to state that in case the Petitioner files Appeal alongwith an Application for condonation of delay, the Appellant shall be entitled to benefit of the principle contained in Section 14 of the Limitation Act, 1963, with regard to the time spent in prosecuting the Writ Petition.

4. It is clarified that this Court has not expressed any opinion on the merits of the matter.

5. With the aforesaid liberty, the Petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)