IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7437 OF 2024

Sunil Dattatray Chopde
VERSUS
The State Of Maharashtra Through Principal Secretary And Others
...
Mr. B. S. Deshmukh, Advocate for the Petitioner
Mr. R. K. Ingole, AGP for Respondent-State
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

. The petitioner has prayed for following substantial prayers:

> *B) Be pleased to issue appropriate writ of certiorari or any directions or orders in the like nature and thereby quashed and set aside the impugned enquiry report u/s 88 of M.C.S. Act dtd 04/01/2017 (submitted on 20/01/2021) and consequential impugned recovery certificate issued u/s 98 of M.C.S. act dtd.15/09/2021 being illegal and arbitrary in nature.*
> *C) By issuing writ of certiorari or any directions or orders in the like nature and thereby quashed and set aside the impugned orders dtd. 26/12/2022 and 29/02/2024 passed by respondent no.2 in revision applications being illegal and not proper in eyes of law.*

2. Mr. B. S. Deshmukh, learned Advocate for the petitioner submits that the base order under challenge is the order dated 04.01.2017 passed by the competent authority based on inquiry report under Section 88 of the Maharashtra

Cooperative Societies Act. The recovery certificate issued under Section 98, consequent to the order passed under Section 98 is also under challenge. He would submit that the said orders were in fact challenged by the petitioner under Section 154 of the MCS Act. However, the said proceedings are turned down by the competent authority under the impugned orders. Thus, he submits that the petitioner challenges correctness of the order passed by the authority under Section 154, as also the orders passed under Section 88 and the recovery certificate issued under Section 98.

3. Mr. R. K. Ingole, learned AGP points out that there is a statutory remedy of appeal under Section 152 of the Maharashtra Cooperative Societies Act, which enables the aggrieved party of an order/action under Section 88 of the Maharashtra Cooperative Societies Act.

4. In view of this, Mr. Deshmukh, learned Advocate seeks leave to withdraw present Writ Petition with liberty to challenge the order under Section 88 passed against the petitioner. He submits that in the event if petitioner files such appeal, the Appellate Authority be directed to consider the delay in view of pendency of this Writ Petition.

5. Leave granted as prayed for. Writ Petition stands disposed of as withdrawn. The petitioner is at liberty to file a statutory appeal under Section 152 before the competent authority against the order/action under Section 88 of the Maharashtra Cooperative Societies Act and the consequential orders/events. If such proceedings are filed, the same shall not be dismissed on account of delay. It is also clarified that if

such proceedings are filed, competent authority shall decide it on its own merit and without being influenced by the orders passed by the authority under Section 154 of the Maharashtra Co-operative Societies Act, 1960.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026