

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5173 OF 2025**

A-1 Co-Operative Housing Society Ltd.

.....Petitioner.

Vs.

The State Of Maharashtra & Ors.

.....Respondents.

Dr. Uday Warunjikar a/w Mr. Sumit Kate for the Petitioner.

Smt. R.A. Salunkhe AGP, for the Respondent-State.

Mr. Surel Shah, Senior Advocate a/w Adv. Mr. Aniesh S. Jadhav and Adv.
Mr. Rushikesh S. Kekare for the Respondent Nos.2 to 13.Mr. G.S. Hegde, Senior Advocate a/w Ms. Pinky M. Bhansali for the
Respondent No.14.

Mr. Nitin Pawar, Secretary of the Petitioner present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 27th JANUARY, 2026.****PC.:-**

1) Mr. Shah, learned Senior counsel appearing for the Respondent Nos.2 to 13 raised a preliminary objection and submitted that, against the impugned Order dated 27th February, 2025 a substantive alternate statutory remedy under Section 152 of the Maharashtra Co-operative Societies Act, 1960 (for short, "*the MCS Act*") is available and without availing the said remedy, the Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2) Perusal of impugned Order *prima facie* indicates that, it is

passed under Section 154B-2 of the MCS Act by the Assistant Registrar, Co-operative Societies (CIDCO), Navi Mumbai. Section 152 of MCS Act provides for a statutory Appeal for impugning the said Order.

3) In view thereof, Dr. Warunjikar, learned counsel appearing for the Petitioner on instructions from Mr. Pawar, Secretary of the Petitioner Society, who is personally present in the Court, seeks leave to withdraw Petition with liberty to avail alternate remedy of preferring an Appeal before the concerned Competent Authority.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

5) Ad-interim relief if any granted earlier to continue for a period of two weeks from the date of uploading of the present Order on the official website of Bombay High Court.

6) In the event, the Petitioner prefers an Appeal against the impugned Order dated 27th February, 2025, the Petitioner shall serve a notice upon all the Respondents.

7) It is needless to mention that, the Petitioner is entitle to have benefit of Section 14 of the Limitation Act, if he prefers an Appeal against the impugned Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)