IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 11376 OF 2026

Amrut Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ramkrushna S Kakad

VERSUS

The State Of Maharashtra Thr The Principal Secretary And Others

WITH

925 WRIT PETITION NO. 11377 OF 2026

Kanifnath Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Mina Kailas Ranmale

VERSUS

The State Of Maharashtra Thr The Principal Secretary And Others

WITH

947 WRIT PETITION NO. 11399 OF 2026

Kanifnath Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Balasaheb K Badhe

VERSUS

The State Of Maharashtra Thr The Principal Secretary And Others

WITH

948 WRIT PETITION NO. 11400 OF 2026

Jagdamba Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Shekhar T Wagh

VERSUS

The State Of Maharashtra Thr The Principal Secretary And Others

WITH

949 WRIT PETITION NO. 11401 OF 2026

Vanlaxmi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Annasaheb B Shinde

VERSUS

The State Of Maharashtra Thr The Principal Secretary And Others

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

WITH
950 WRIT PETITION NO. 11402 OF 2026

Laxmi Mata Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Gangadhar V Chavhan
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
951 WRIT PETITION NO. 11403 OF 2026

Gayatri Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Nanasaheb G Shinde
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
952 WRIT PETITION NO. 11404 OF 2026

Shetkari Vikas Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Vitthal R Hase
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
953 WRIT PETITION NO. 11405 OF 2026

Vanlaxmi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Babasaheb N Gayakar
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
976 WRIT PETITION NO. 11517 OF 2026

Dattakrupa Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Somnath M Gunjal
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
977 WRIT PETITION NO. 11518 OF 2026

Mhalasakant Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Kailas D Khatal

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
978 WRIT PETITION NO. 11519 OF 2026

Vikas Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Prabhakar K Gopale
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
979 WRIT PETITION NO. 11520 OF 2026

Kalamajadevi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Sopan A Varpe
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
980 WRIT PETITION NO. 11521 OF 2026

Vanrai Sheli Mendhi Palan Sahakari Sanstah Maryadit Thr Its Chairman Suresh B Borhade
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
981 WRIT PETITION NO. 11522 OF 2026

Ahilyadevi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Bhagwat Nana Kadnar
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
982 WRIT PETITION NO. 11523 OF 2026

Sidhhik Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Sunil
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

WITH
999 WRIT PETITION NO. 11554 OF 2026

Gurudeo Datta Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ramesh D Mandlik
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1003 WRIT PETITION NO. 11558 OF 2026

H B P Narayangiri Maharaj Sheli Mendhi Palan Sah Sanstha Maryadit Thr Its
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1004 WRIT PETITION NO. 11559 OF 2026

Avajinath Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Vijay K Ranmale
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1005 WRIT PETITION NO. 11560 OF 2026

Kalika Mata Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ashok S Varpe
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1008 WRIT PETITION NO. 11564 OF 2026

Shivneri Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Subhashrao B Gunjal
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1009 WRIT PETITION NO. 11565 OF 2026

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Yashoda Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Santosh B Varpe
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1010 WRIT PETITION NO. 11566 OF 2026

Bharatratn Babasaheb Ambedkar Sheli Mendhi Palan Sah Sanstha Thr Its Chairman Dilkhush I Shaikh
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1011 WRIT PETITION NO. 11567 OF 2026

Gahininath Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Shivaji V Jondhale
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1012 WRIT PETITION NO. 11581 OF 2026

Jay Durgamata Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Rahul A Kharde
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1020 WRIT PETITION NO. 11589 OF 2026

Gowardhan Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ramdas L Bhagwat
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1021 WRIT PETITION NO. 11590 OF 2026

Datta Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Tabaji R Ghadage
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

WITH
1022 WRIT PETITION NO. 11591 OF 2026

Chaitanya Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ranjitsinh V Deshmukh
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1023 WRIT PETITION NO. 11592 OF 2026

Vasudha Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Vilas S Kawade
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1027 WRIT PETITION NO. 11596 OF 2026

Shram Safalya Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Yogesh R Sonawane
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1028 WRIT PETITION NO. 11597 OF 2026

Charapatinath Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ganapat P Sangale
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1029 WRIT PETITION NO. 11598 OF 2026

Mhalasakant Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Bhausaheb B Aher
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1030 WRIT PETITION NO. 11599 OF 2026

Khandoba Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Deoram Kisan Gulave

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1031 WRIT PETITION NO. 11600 OF 2026

Pandurang Krupa Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Vilas G Shinde
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1033 WRIT PETITION NO. 11602 OF 2026

Vanlaxmi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Prakash V Kotkar
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1034 WRIT PETITION NO. 11603 OF 2026

Mhalasakant Sheli Mendhi Palan Sahakari Santha Maryadit Thr Its Chairman Kisan R Supekar
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1035 WRIT PETITION NO. 11604 OF 2026

Dudhdhan Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Gorakh V Kute
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1036 WRIT PETITION NO. 11618 OF 2026

Mahatama Phule Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Ramnath N Abhang
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

WITH
1037 WRIT PETITION NO. 11619 OF 2026

Biroba Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Prabhakar S Kandalkar
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1038 WRIT PETITION NO. 11620 OF 2026

Rajiv Gandhi Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Somnath V Pawase
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1039 WRIT PETITION NO. 11621 OF 2026

Nizarneshwar Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Arun Janku Jondhale
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

WITH
1044 WRIT PETITION NO. 11626 OF 2026

Jagdamba Sheli Mendhi Palan Sahakari Sanstha Maryadit Thr Its Chairman Balasaheb V Rahane
VERSUS
The State Of Maharashtra Thr The Principal Secretary And Others

...

Mr.Avinash R.Borulkar for the Petitioners.
Dr.Kalpalata Patil Bharaswadkar, Addl. G.P. for the Respondents/State in the respective Petitions.
Mr.Kishor S. Patil, Ms.Vaishali Chaudhar, Ms.Deepali Jape & Ms.Preeti Diggikar, AGPs for the Respondents/State in the respective Petitions.
Mr.S.K. Kadam for Respondent No.4 in the respective Petitions.

...

CORAM : MANJUSHA DESHPANDE, J.
DATE : 02.09.2026

PER COURT :

1. The Petitioners in this group of Writ Petitions are registered Societies, registered under the Maharashtra Cooperative Societies Act,

1960 (the **'Said Act'**) on different dates. They have completed their financial audits and have also conducted elections for the term 2024 to 2029. Liquidation proceedings have been initiated against them by Respondent No.5/Assistant Registrar Cooperative Societies (Dairy) Ahilyanagar, District Ahilyanagar. The order of liquidation is issued by the Assistant Registrar relying on the Government Circular dated 1st August, 2022; on the directions issued by the Hon'ble Minister of Cooperation dated 29th April, 2026; as well as the complaint filed by one Dipak Shivram Patare on 11th February, 2026. The Petitioners/Societies have been taken into liquidation invoking Section 102(1) of the Said Act and also an order of winding up of the Societies has been issued by Respondent No.5 by way of an interim order.

2. The Petitioners herein have submitted their response to the order of liquidation upon notice being issued by Respondent No.5. After hearing the respective Petitioners, the final order under Section 102(2) of the Said Act has been passed, confirming the interim order of liquidation as well as order of winding up. Being aggrieved by this order, the Petitioners/Societies have approached the Appellate Authority under Section 104 of the Said Act by filing respective Appeals, raising challenge to the order passed by Respondent No.5, on the ground that the same is politically motivated. The impugned order have been passed without affording any opportunity of hearing to the Petitioners/Societies. It is also

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

assailed on the ground that the circular dated 1st August, 2022 based on which the Commissioner of Cooperation and Special Registrar Cooperative Societies has issued direction to take action against the Societies, was not in operation. In fact it was issued only for a limited period, its validity was from 13th August, 2022 to 15th September, 2022.

3. During the pendency of the Appeals, the Petitioners have filed interim applications for stay to the impugned order before the Joint Registrar Cooperative Societies, on the ground that the order impugned is passed without granting any opportunity of hearing. After hearing the Petitioners/Societies, the order has been passed granting interim stay to the impugned order passed by the Assistant Registrar dated 23rd June, 2026 vide order dated 17th July, 2026. The substantive Appeals filed by the Petitioners were directed to be listed for hearing on 25th August, 2026.

4. After the stay was granted by the Divisional Joint Registrar, i.e., Respondent No.4 herein, the complainant at whose behest the action on liquidation and winding up has been initiated, filed Revision Application before the Minister (Animal Husbandry & Environment) Maharashtra State, Mantralaya, Mumbai under Section 154 of the Said Act. After filing of the Revision Application, an order has been passed by the Minister allowing the Revision Application filed by the complainant, thereby the interim stay granted by the Divisional Joint Registrar,

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Cooperative Societies, vide order dated 17th July, 2026, has been quashed and set aside further directing that the pending Appeals that were scheduled for hearing shall proceed, and heard on its own merits.

5. Being aggrieved by this order common passed by the Minister, the Petitioners/Societies who are 42 in number have approached this Court.

6. The learned Advocate, Mr.Borulkar, has taken exception to the impugned order of liquidation and winding up of the Societies passed by Respondent No.5, as well as the order passed by the Minister dated 4th August, 2026, on the following grounds :

(a) The interim order passed by Respondent No.5 has been passed in exercise of power under Section 102(1) of the Said Act, which was further confirmed on 23rd June, 2026, is without any authority. The power to pass an order under Section 102 lies only with the Registrar, therefore, The Assistant Registrar was not empowered to pass the impugned order.

(b) The direction issued by the Additional Commissioner and Special Registrar, Cooperative Societies, Pune dated 20th February, 2026 addressed to the District Deputy Registrar, Cooperative Societies, Ahilyanagar, directing him to take action against the Societies is a politically motivated action taken by the State Authorities.

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

(c) The interim order dated 29th April, 2026 was passed without granting any opportunity of hearing to the Petitioners, though it is necessary to follow principles of natural justice, even before passing any interim order of winding up and liquidation under Section 102 of the Said Act. Reliance is placed on the decision of this Court in the case of ***Chandrapur Zilla Shahakari Krushi and Gramin Bahuudeshiya Development Bank Ltd. and etc. V/s. State of Maharashtra and others, etc., reported in AIR 2003 BOMBAY 502***, where this Court has taken a view that even before passing of an interim order, an opportunity is required to be given to the Societies that are likely to be affected.

(d) The order of the Minister is challenged on the ground that it is passed without hearing the Petitioners, therefore, there is non-adherence of principles of natural justice, which has resulted in drastic consequences of stalling the work of those Societies. The stay order, which was running in favour of the Petitioners has been quashed and set aside, by this order without granting any opportunity of hearing to the Petitioners, which has caused them great prejudice.

(e) The Revision filed by a person who was not party to any of the proceedings is also not maintainable. The Minister should not have entertained the Revision Application by a third

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

party, to quash and set aside the order of stay, that was granted in favour of the Petitioners.

(f) He submits that all these orders along with the action of liquidation and winding up has been taken on the verge of the elections of the Ahilyanagar District Central Cooperative Bank. As a result of which the Societies have been deprived of their right to participate in the election process and cast their votes through their representatives.

(g) It is also submitted that just because the Appeals filed by the Petitioners under Section 104 of the Said Act are pending, same would not preclude this Court from entertaining the Writ Petitions under Article 226 and 227 of the Constitution of India. Particularly, in view of the election process that is set in motion by declaring the election programme by District Cooperative Election Officer. In support of his submission, he would rely on the decision of this Court at the Coordinate Bench, where a similar situation has arisen. While deciding the group of Writ Petitions, this Court has refused to entertain the objection regarding the availability of alternate remedy by way of Appeals available under Section 104 of the Said Act. Thus, according to him, since the case of the Petitioners is also similarly placed, same ratio would apply in case of the Petitioners. Additionally he also relied on Writ

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Petition No.2522 of 2026 along with group of Writ Petitions decided at Circuit Bench at Kolhapur vide Judgment dated 12th August, 2026.

7. Mr.Borulkar would further submit that winding up of the Petitioners/Societies and appointing liquidator under Sections 102 and 103 of the Said Act, is a highly disproportionate penal action. A final winding up order extinguishes the Societies existence, amounting to civil death of the institutions. This action has been undertaken by the Authorities without any investigation into the active, day-to-day functioning of the Petitioners/Societies, thereby violating the doctrine of proportionality, which is contrary to the very object of cooperative movement in the State. Similarly, the appointment of a liquidator without evaluating any avenues for the Petitioners revival or granting any opportunity to rectify the alleged defects is in direct teeth of Article 43-B of the Constitution of India. He submits that the underlying order vacating the stay operating in favour of the Petitioners is in flagrant violation of the principles of *audi alteram partem.* It is an *ex-parte* order vitiated with malice, hence, according to him there is a grave jurisdictional error committed by Respondent No.5, as well as the Minister of Cooperation, by initiating mass liquidation without granting any opportunity of hearing to the respective Societies who are affected by the impugned orders. The loss of the Petitioners/Societies is irreparable

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

and cannot be compensated in the terms of money.

8. He further submits that the District Cooperative Election Officer had issued a communication calling upon the Societies in the Ahilyanagar District to send their representatives to be included in the provisional voters list. However, the name of the Petitioners/Societies was not included in the list, despite being eligible on 1st June, 2026.

9. On instructions, he also makes a statement that the Petitioners have raised objection to the non-inclusion of their name in the voters list before the Competent Election Authority. He, therefore, submits that the impugned order passed by Respondent No.5 dated 23rd June, 2026 as well as the order passed by Respondent No.2/Minister dated 4th August, 2026 deserves to be quashed and set aside.

10. Par-contra, the learned Addl. G.P. has strongly opposed the maintainability of Writ Petitions itself, it is submitted that the Petitioners have an substantive alternate remedy as provided under Section 104 of the Said Act, by way of statutory Appeal. She also submitted that no Appeals are maintainable against the order passed under Section 102(i) (ii) or (iii)(c) (1) of Section 102 of the Said Act, therefore, the interim relief granted by the Appellate Authority itself was not valid. Thus the order of the Minister does not deserve any interference. It is also submitted that the Assistant Registrar while passing the order under Section 102 of the Said Act, was in fact exercising powers of 'Registrar',

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

hence there is no substance in the contention of the Petitioners that Respondent No.5 is not empowered to pass an order of winding up and liquidation by invoking powers under Section 102 of the Said Act. Hence, according to her the Writ Petitions are not maintainable and deserve to be dismissed.

11. Respondent No.4/Divisional Joint Registrar, Cooperative Societies cum District Cooperative Election Officer, Nashik Division, Nashik is represented by the learned Advocate, Mr. Kadam who would submit that as far as the election part of the challenge to the impugned order is concerned, the programme for preparation of voters list was already issued in the month of June itself, calling upon the respective Society to submit the names of their representatives before 16th July, 2026 and the provisional voters list has already been prepared on the basis of the names sent by the respective Societies. He is not aware as to whether the names of the representatives Petitioners/Societies has been send by them. Upon which a statement being made, by the learned Advocate for the Petitioners submits that they have already send the names of their representatives. However, the name of the Petitioners/Societies was not included in the provisional voters list despite their eligibility on 1st June, 2026.

12. Respondent No.6, who is the complainant at whose instance the order came to be passed by Respondent No.2/Minister, has filed a

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

caveat in the matter. The learned Advocate appearing for the caveator, however, orally submits that he does not wish to contest the present Writ on the basis of caveat. A purshis to that effect is filed by him which is taken on record. Respondent No.7, though added as a party Respondent is a formal party. Hence, no notice is necessary to Respondent No.7. So far as other Respondent Nos.1 to 5 are concerned, they are represented by the State and arguments have been advanced for the contesting Respondents/State Authorities by the Government Advocate.

13. After hearing the parties and perusing documents placed on record, it is evident that a complaint is filed by Respondent No.6 in the present Writ Petitions to the Minister of Cooperation alleging that many of the Cooperative Societies in the District of Ahilyanagar are only existing on paper. When in fact there is no work carried out by them nor there are any financial transactions. The audit of these Societies is not conducted, even their elections have not been conducted. Hence, considering the various irregularities and deficiencies in respect of the Societies, a survey needs to be conducted and if the Societies are found to be not in working condition, action needs to be taken against such Societies by the Commissioner of Cooperation.

14. Based on aforementioned communication, the Commissioner of Cooperation and Special Registrar, Cooperative Societies has issued directions to the District Deputy Registrar Cooperative Societies,

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Ahilyanagar to carry out a survey and take action against those Societies, who are found not to be functioning in conformity with the rules; or not functioning at all; action is directed against even those Societies who have failed to conduct the audit and have committed financial irregularities. Based on this communication dated 20th February, 2026, Respondent No.5 appears to have taken immediate action and has passed an interim order of liquidation and winding up of the Petitioners' Societies in Ahilyanagar District, without granting any opportunity of hearing to the respective Societies, without issuing any show-cause notice or any communication bringing to their notice the irregularities or deficiencies, based on which such drastic action of liquidation and winding up has been taken by the Assistant Registrar Cooperative Societies, Ahilyanagar.

15. Upon going through the order, it is evident that the same has been passed without adhering to the principles of natural justice, thereby causing prejudice to the rights of the Petitioners. Although, the Petitioners' Societies have filed their say subsequently the interim order is confirmed by passing final order by the Assistant Registrar Cooperative Societies, Ahilyanagar vide order dated 23rd June, 2026.

16. So far as the order passed by Respondent No.2 is concerned, admittedly it is passed in the Revision Application filed by Dipak Shivram Patare, who is Respondent No.6 in the present Writ Petition and though

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

he is the complainant, he was not a party in the proceedings for liquidation or even in the Appeal filed by the Petitioners under Section 104 of the Said Act. A Revision Application before the Minister under Section 154 of the Said Act was entertained without hearing the Petitioners, who are the affected parties. When a order is passed in the Revision Application, which effectively vacates the stay, that was operating in favour of the Petitioners, it was expected of the Respondent No.2 Minister to grant opportunity of hearing to the Petitioners, before passing any orders adverse to the Petitioners who are affected by it. The Minister has merely recorded that notices have been issued to the Petitioners without waiting for the appearance of the Petitioners herein. The order adverse to the interest of the Petitioners has been passed by setting aside the order of 'stay' granted in favour of the Petitioners, as a result of which the order of winding up and liquidation passed against the Petitioners vide order dated 23rd June, 2026, has been revived. Although the statutory Appeal before the Divisional Joint Registrar is pending, as a consequence of the impugned order passed by the Respondent No.2 Minister, the rights of the Petitioners have been adversely affected. They are deprived of their business of their Societies, the whole business is brought to a stand still. They are also deprived from participating in the election process of the Ahilyanagar District Central Cooperative Bank of which the Petitioners/Societies are the members. A

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Division Bench of this Court in case of *Chandrapur Zilla Shahakari Krushi and Gramin Bahuudeshiya Development Bank Ltd. and etc. (supra),* had an occasion to deal with the interim order passed for winding up of the Society. While deciding the said issue, this Court has made following observations :

> *"**16.** It is, therefore, obvious that there is neither pre-decisional hearing before the interim order is passed nor such order is allowed to be appealed against. There is only post-interim decisional hearing before the final order is passed to vacate or confirm the interim order. Section 103 further empowers the Registrar to appoint a Liquidator of the Society, even after the interim order of winding up of the Society. It further mandates that after the interim order is passed the Society shall hand over to the Liquidator the custody and control of all the property, effects and actionable claims to which the Society is entitled and the whole record pertaining to the business of the society and thereafter the Society will have no access to the same. Such is the drastic and draconian provision empowering the Registrar to issue an interim order to the Society to be wound up. There is no appeal also against the interim order. Can it be legitimately inferred that there is no implicit provision of hearing and compliance of the principles of natural justice before passing of such a very harsh and drastic action of ordering the winding up of the very running existing society? The consequence of such an interim order to hand over to the Liquidator virtually the entire Society. Can it be construed that the Legislature intended to put such a draconian power to wind up or wipe out any Society in the hands of a Registrar without hearing before passing an interim order, the consequence and effect of which is not less injurious or harmful than a final order? We do not think so."*

17. The observations made herein-above in the Judgment of this Court squarely apply to the facts of the present cases. Even in the present cases, there is failure to adhere to principles of natural justice by the

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

Respondent No.5 Assistant Registrar Cooperative Societies, as well as by the Respondent No.2 Minister of Cooperation, while passing the impugned orders.

18. In Writ Petition No.2522 of 2026 and other group of Petitions dated 12th August, 2026 ***(Anandrao Sadashiv Desai & Ors. V/s. The State of Maharashtra Thr Secretary, Department of Cooperation & Ors.)***, decided by the Coordinate Bench at Kolhapur, this Court has framed points for determination. The two questions A & B that have been framed and decided, also applies to the case of the Petitioners.

While answering the question, "whether the Writ Petitions can be entertained in the wake of remedy of appeal under Section 104 of the Said Act, 1960", this Court has held as follows :

> *"15. Merely because 337 primary societies have preferred appeal U/Sec. 104 of the Act would not detain this Court to entertain the petitions under Article 226 and 227 of the Constitution of India. This Court cannot be oblivious of the fact that a drastic action is undertaken against the petitioners which has repercussions of their exclusion from the election of Federal Sangh. Impugned orders are passed onset of the election process."*

19. Similarly, while answering the issue, "whether there is violation of principles of natural justice", following observations are made:

> *32. In the cases at hand after interim orders, final orders of winding up are passed against the petitioners. There is correlation between interim orders and the final orders, which is - reasoned in further part of the judgment. The petitioners are-primary village level societies, who have*

> *suffered drastic action. They are declared to be defunct and consequently they would be excluded from participating in the election. There is reason to infer that they could have demonstrated the respondent authorities that they were functional and actually following the bye-laws of the Federation Sangh in letters and spirits. The marginal short fall in supply of milk was rectifiable defect. There was room for them to show that drastic action was disproportionate. The prejudice caused to them is substantial in nature and writ large.*
>
> *33. I find that impugned order is vitiated due to violation of principles of natural justice. I answer point B in favour of the petitioners."*

20. Thus, the orders impugned in these Petitions that violates the principles of natural justice deserves to be quashed and set aside. So far as the order of the Minister directing the Divisional Joint Registrar to conduct the hearing of the Appeals does need any interference, since the Appeals are already pending before the Appellate Authority. So far as order, quashing the interim stay granted by the Divisional Joint Registrar is concerned, the same deserves to be quashed and set aside, due to failure to adhere to the principles of natural justice. As a consequence of setting aside the order of Respondent No.2 Minister, the order of interim stay granted by the Appellate Authority would stand revived, making the Petitioners/Societies eligible participate in the election of Ahilyanagar District Central Cooperative Bank.

21. So far as the inclusion of the Petitioners/Societies in the voters list is concerned, I do not propose to pass any order. Since the Petitioners have already raised objections to the provisional voters list,

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.

which shall be decided by the Competent Authority on its own mertis and in accordance with law. In wake of above observations, I pass the following order :

ORDER

a) The Writ Petitions are partly allowed.

b) The order passed by Respondent No.2 in all the Revision Applications No.1 to 42 of 2026 dated 4th August, 2026 are quashed and set aside to the extent it quashes the order of interim stay granted in favour of the Petitioners passed by the Joint Registrar Cooperative Society (Dairy) vide order dated 17th July, 2026.

c) The Petitioners shall participate in the hearing of the Appeals filed by them before the Joint Registrar, Cooperative Societies (Dairy), Mumbai.

d) Since the Petitioners have already raised objections to the provisional voters list, the Competent Authority shall decide the objections raised by the Petitioners in accordance with the provisions of law.

e) With the aforementioned directions, these Writ Petitions stand disposed off.

[MANJUSHA DESHPANDE, J.]

This order has been modified by speaking to the minutes of the order dated 4th September, 2026.