

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3001 OF 2012

Shivneri Doodh Vyavasayik Sahakari
Sangh Ltd., Balgujar Through chairman .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri Santosh S. Jadhavar, Advocate for the Petitioner.
Shri K. G. Patil, Addl. G. P. for the Respondent Nos. 1 and 2.
Shri K. J. Suryawanshi, Advocate for the Respondent No. 4.
Shri M. M. Patil Beedkar, Advocate for the Respondent No 6.
Shri Tukaram G. Gaikwad, Advocate for the Respondent No. 7.
Shri S. S. Thombre, Advocate for the Respondent No. 8.
Shri V. D. Salunke, Advocate for the Respondent No. 9.
Shri N. B. Khandare, Advocate for the Respondent No. 10.
The Respondent Nos. 3 and 5 served.

CORAM : S. V. GANGAPURWALA AND

V. K. JADHAV, JJ.

DATE : 29TH JULY, 2015.

PER COURT :

1. Mr. Jadhavar, the learned counsel for the petitioner submits that, this Court in Writ Petition No. 1027 of 1989 alongwith other writ petitions vide order dated 10th October, 1996 had directed the authorities to complete the process of amalgamation and after completing the process of amalgamation

complete the entire election process to elect the Board of Directors of Beed Zilla Sahakari Dudh Utpadak Sangh. The learned counsel submits that, the ratio laid down in the said judgment is required to be considered. The learned counsel submits that, the authorities in gross of violation of said order, have not amalgamated the societies whose collection of milk is less than the required collection. The order is also issued showing that, the collection of milk is less than the required quantity of the Taluka Sangh's. Information was also sought under the Right to Information Act, wherein the information is supplied. As per the said information, the collection of milk of Respondent Nos. 6 to 10 is less than 10,000/- litres per day. In view of that, these Taluka Sangh's are required to be amalgamated with the District Sangh. However, vide the impugned order the respondents have failed to perform their function and have not passed order with regard to the amalgamation of Patoda, Beed and Georai Taluka Dudh Sangh. In fact, earlier order was passed, the same was modified. The learned counsel submits that, when the authorities have submitted information under the Right to Information Act, showing less collection of milk by these Taluka Sangh's, then the respondents / authorities are duty bound to perform the functions of amalgamating Taluka Sangh's.

2. Mr. Salunke, the learned counsel submits that, when the order was passed in earlier writ petition bearing No. 1027 of 1989, dated 10th October, 1996, these respondents were not parties to the said writ petition. The collection of milk is more than 25,000/- liters per day of the Respondent No. 9 / Sangh. The Respondent No. 9 has to supply the milk to the private persons, the Government is not accepting the milk above 7,500/- litres from the petitioner. Even letters have been issued by the authorities which are at “Exh. R-1” page-64.

3. Mr. Thombre, the learned counsel for the Respondent No. 8 submits that, petitioner does not have locus standi to maintain the present petition. The petitioner is a primary level society of the Respondent No. 4, as such does not have any locus standi nor is a aggrieved party with regard to functioning of Respondent No. 8. The learned counsel further submits that, the allegation of the petitioner that, minimum requirement of milk is not produced by Respondent No. 8, is incorrect.

4. Mr. Suryawanshi, the learned counsel submits that, even as per information given under the Right to Information Act, the Respondent No. 4 is collecting more than the required milk.

5. Mr. Patil, the learned counsel for Respondent No. 6 states that, on affidavit it has been stated that the collection of milk is more than 10,000/- litres per day.

6. We have considered the submissions canvassed by the learned counsel for respective parties.

7. This Court certainly cannot enter into the investigation of the disputed question as to which Sangh is collecting more milk than the required limit. As far as Respondent Nos. 4 and 5 are concerned, the petitioner can not have any grievance about the same, as even as per the information, they are collecting more than minimum required milk.

8. The respondents were not party in Writ Petition No. 1027 of 1989, decided on 10.10.1996. The criteria of minimum collection of milk at the time those writ petitions were decided was different than today. As far as Respondent No. 10 is concerned the Respondent No. 10 had challenged the order of amalgamation and the said order of amalgamation as far as Respondent No. 10 is concerned is set aside by the appropriate authority.

9. It is for the authorities to consider and take steps in accordance with Section 18 of the Maharashtra Cooperative Societies Act and the relevant Government Resolutions after satisfying itself about the compliance / non compliance of the Act or the other Rules.

10. There is a word against word in respect of collection of the milk. The same can only be considered by the concerned authority under the statute.

11. In light of the above, we dispose of the writ petition with liberty to the parties to approach the appropriate authority for taking steps in accordance with provisions of the Act and the relevant Government Resolutions. In case, any of the aggrieved party approaches the authority, the authority concerned shall take further steps expeditiously in accordance with law i.e. Statute and the Government Resolutions after hearing the concerned parties. In that event the contentions of respective parties including locus are kept open . Writ petition accordingly is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]