

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

WRIT PETITION NO. 3704 OF 2012

1. Gangadhar Narsappa Kannewad
(Motha), Age 60 years, Occu.:
Fisherman and chairman of
Jarikot Maschimar Sahakari Sanstha,
Maryadit, Jarikot, R/o Jarikot,
Tq. Dharmabad, District Nanded.
2. Vitthal S/o Piraji Kannewad,
(Motha), Age 45 years,
3. Satva S/o Vahenna Walvate,
Age 43 years,
4. Bhagirathibai W/o Gangadhar Kannewad
(Motha), Age 42 years,
5. Rukhminbai W/o Piraji Kannewad,
(Motha), Age 40 years,

All Occupation : Fishermen,
and All R/o Jarikot,
Tq. Dharmabad, District Nanded.

...PETITIONERS

versus

1. The State of Maharashtra
Through its Secretary,
Agriculture, Animal Husbandary,
Dairy Development and fishery
Department, Maharashtra State,
Mantralaya, Mumbai.
2. The Deputy Registrar,
Co-operative Societies (Fishery),
Mashcalya, Churni Road,
Tarapurwala Building,
Maharashtra State, Mumbai.
3. The Assistant Registrar,
Co-operative Societies (Dairy),
Nanded.

4. Shri P.G. Papulwar,
(co-operative Officer Grade-I)
Administrative Officer,
Jarikot Maschimar Sahakari Sanstha
Maryadit, Jarikot, Tq. Dharmabad,
District Nanded.
5. Jarikot Maschimar Sahakari Sanstha
Maryadit, Jarikot, Tq. Dharmabad,
District Nanded, through its
Secretary.

...RESPONDENTS

INTERVENORS:

1. Venkat Saynna Nilewad,
Age: 43 years, Occu. Fishery,
R/o Atala, Tq. Dharmabad,
Dist. Nanded.
2. Gangadhar Saynna Nilewad,
Age: 52 years, Occu. Fishery,
R/o Atala, Tq. Dharmabad,
Dist. Nanded.
3. Godawari Sahebrao Kannewad,
Age: 40 years, ocuu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.
4. Ramesh S/o Saynna Kumbhare,
Age: 32 years, ocuu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.
5. Jalba Dau Bhatalwad,
Age: 62 years, Ocuu. Fishery,
R/o Chikana, Tq. Dharmabad,
Dist. Nanded.
6. Posanbai Bhuma Tokalwad,
Age: 67 years, ocuu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.
7. Madhav S/o Maroti Kannewad,
Age: 34 years, Occu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.

8. Poshetty Saibu Tokalwad,
Age: 44 years, Ocuu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.
9. Sangu Lachama Pandilwad,
Age: 67 years, Ocuu. Fishery,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.

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Mr. R.T. Nagargoje, Advocate for Petitioners
Mr. S.K. Tambe, A.G.P. for respondents No. 1 to 3
Mr. S.N. Boiwar, Advocate for respondent No. 4
Mr. G.G. Suryawanshi, Advocate for respondents - intervenors.

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WITH
CIVIL APPLICATION NO. 5692 OF 2014
IN
WRIT PETITION NO. 3704 OF 2012

Venkat Sayanna Nilewad ant others Applicants

Versus.

The State of Maharashtra and others ... Respondents

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Mr. G.G. Suryawanshi, Advocate for applicants
Mr. S.K. Tambe, A.G.P. for respondents No. 1 to 3
Respondent No. 4 served.
Mr. G.D. Kale, Advocate for respondent No. 5
Mr. R.T. Nagargoje, Advocate for respondents No. 6 to 10
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CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th AUGUST, 2015

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard the learned counsel for petitioners and appearing respondents finally, by consent.

2. Looking at the scope of writ petition, which purports to challenge the order vacating interim relief granted in the appeal against order passed pursuant to section 78 (1) of the Maharashtra Co-operative Societies Act, 1960, removing the present petitioners from the Directorship of respondent No. 5 - *Jarikot Maschimar Sahakari Sanstha Maryadit Jarikot*, Ta. Dharmabad, District Nanded, main appeal which is pending can be disposed of. However, at the same time it will be required to be taken into account that the term of the members of the managing committee who are removed from its membership, is over long-back in 2013, and as such elections to the same can be held.

3. The society by order impugned in appeal at the instance of present petitioners is to be administrated by administrator. Although learned counsel for petitioners submits that it appears that term of administrator pursuant to relevant statute is also long over, it will have to be considered that no fruitful purpose is likely to be served by passing order on merits in the matter.

4. Under the circumstances, it would be expedient that Registrar, Co-operative Societies shall follow the relevant procedure contemplated under the provisions of Section 78(1)(ii) of the Maharashtra Co-operative Societies Act and the administrator should take over charge and proceed further immediately for holding elections in accordance with relevant rules.

5. Pending appeal at the instance of present petitioners be also expedited and disposed of as early as possible, preferably within a

period of six months from the date of receipt of writ of this order.

6. With aforesaid directions, writ petition stands disposed of. Rule is made absolute accordingly.

7. In view of disposal of writ petition, nothing survives in civil application and the same stands disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK