

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**WRIT PETITION NO.5406 OF 2007
WITH
CIVIL APPLICATION NO.872 OF 2008**

- 1) Eknath s/o Vithalrao @ Balasaheb
Vikhe Patil, Age-75 years,
Occu:Agriculturist & Social Work,
R/o-Loni Budruk, Tq-Rahata,
Dist-Ahmednagar,
- 2) Vasantryao s/o Bhaurao Deshmukh,
Age-55 years, Occu:Agriculturist,
R/o-Dhandarphal Budruk, Tq-Sangamner,
Dist-Ahmednagar,
- 3) Sambhaji s/o Raghunath Deokar,
Age-57 years, Occu:Agriculturist,
R/o-Kolhar Budruk, Tq-Rahata,
Dist-Ahmednagar.

...PETITIONERS

VERSUS

- 1) State of Maharashtra,
Through Principal Secretary,
Cooperation & Textile Department,
Mantralaya, Mumbai-32,
- 2) The Collector, Ahmednagar,
Dist-Ahmednagar,
- 3) The District Deputy Registrar,
Cooperative Societies,
Ahmednagar, Dist-Ahmednagar,

- 4) The Assistant Registrar,
Cooperative Societies (Dairy),
Ahmednagar, Dist-Ahmednagar,
- 5) Ahmednagar District Central
Cooperative Bank Ltd.,
Having its registered office at
Station Road, Ahmednagar,
Dist-Ahmednagar,
Through its Managing Director,
- 6) Kharadi Vividh Karyakari Seva
Sahakari Society Ltd., Kharadi,
Through its Director,
Shri Ramdas Kashinath Wagh,
Age-50 years, Occu:Agri.,
R/o-Kharadi, Tq-Sangamner,
Dist-Ahmednagar,
- 7) Sakur Vividh Karyakari Seva
Sahakari Society Ltd., Sakur,
Through its Chairman
Shri Ashok Bajirao Khemnar,
Age-43 years, Occu:Agri.,
R/o-Sakur, Tq-Sangamner,
Dist-Ahmednagar,
- 8) Dudhganga Nagari Sahakari Pat
Sanstha Ltd., Sangamner,
Through its Chairman,
Shri Bhausaheb Damodhar Kute,
Age-51 years, Occu:Agri.,
R/o-Sangamner, Dist-Ahmednagar,
- 9) Sangram Nagari Sahakari Pat
Sanstha Ltd., Through its Chairman,
Shri Dr. Dattatraya Kisanrao Shinde,
Age-52 years, Occu:Agri.,
R/o-Sangamner, Dist-Ahmednagar,

- 10) Mula Khore Gramin Bigar Sheti
Sahakari Pat Sanstha Ltd.,
Sakur, Through its Chairman,
Shri Vitthal Balkrishna Maid,
Age-44 year, Occu:Agri.,
R/o-Sakur, Tq-Sangamner,
Dist-Ahmednagar,
- 11) Sangamner Vibhag Dudh Utpadak
Sahakari Society Ltd.,
Sangamner, Through its Chairman,
Shri Bhausahab Damodhar Kute,
Age-51 years, Occu:Agri.,
R/o-Sangamner, Dist-Ahmednagar.

...RESPONDENTS

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Mr. P.R. Patil Advocate for Petitioners.
Mr.S.A.Ambad, A.G.P. for Respondent Nos. 1
to 4.
Mr.R.N. Dhorde, Senior Counsel for Respondent
No.5.
Mr. R.L. Kute Advocate for Respondent Nos.
6 to 11.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 21ST APRIL, 2015

ORAL ORDER :

1. Mr. Patil, the learned counsel for the
Petitioners states that the purpose of filing this
Writ Petition is to take out the dead woods. There

are large number of defunct societies on papers, however they are still retained on the record only for the purpose of giving voting rights to them. Learned counsel relies on the list of such societies filed from Page Nos.32 to 37 of the present Petition. Learned counsel submits that authorities are empowered to take action under the provisions of Section 102 and 21-A of the Maharashtra Co-operative Societies Act. No steps have been taken by the authorities in this regard. According to the learned counsel, authorities under the Statute, are duty bound to take action in accordance with the provisions of Section 102 and 21-A of the Maharashtra Co-operative Societies Act. In not taking any action against such defunct societies, there is dereliction of duty on the part of the authorities concerned.

2. Mr. Dhorde, the learned senior counsel submits that sole purpose of present Petition was to prolong the elections which were to be held at

the relevant time. The elections are already held and now fresh elections are scheduled. The process of election, except voting, is over. Out of 112 societies only 32 societies are included in the list of voters, which would show that the apprehension of the Petitioners is unfounded.

3. Learned Senior Counsel further submits that the Petitioners, after filing of the Petition, have never approached the Registrar or any such authority seeking action. If really the Petitioners were interested, the Petitioners could have approached the Registrar or such other authority for action.

4. The learned A.G.P. states that in case it is found by the Registrar that any society is defunct, then action under Section 102 of the Act is initiated and after completion of action under Section 102, then the provisions of Section 21-A of the Act are resorted.

5. We have considered the submissions advanced before us by the learned counsel for the respective parties.

6. Those societies who are alleged to be defunct, are not before this Court. No blanket orders can be passed against such societies which are not before this Court.

7. In case the societies are defunct and circumstances as enumerated in Section 102 and 21-A of the Maharashtra Co-operative Societies Act arise, it is for the authorities to take action in accordance with the said provisions.

8. In absence of the said societies, who are alleged to be defunct, before this Court, it would not be possible to give any directions in this regard.

9. However, it is for the authorities to

take recourse to provisions of Section 102 and 21-A of the Maharashtra Co-operative Societies Act if the situation as enumerated in said sections arise. We hope and trust that the authorities would perform their obligations as laid down in the said provisions. The Petitioners may approach the Registrar in that regard. In case some circumstance/situation is pointed out, then the Registrar would take action in accordance with the provisions of the Statute.

10. The Writ Petition, accordingly stands disposed of. Rule disposed of. No costs.

11. In view of disposal of Writ Petition itself, nothing survives for consideration in the Civil Application. Civil Application stands disposed of, accordingly.

[A.I.S.CHEEMA, J.]

asb/APR15

[S.V. GANGAPURWALA, J.]