

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

WRIT PETITION NO.9916 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Devthana,
Tq. Dharur, District Beed
through its Chairman
Hanumant s/o Dhondiba Solanke
Age 65 years, Occ. Agri.,
R/o Devthana, Tq. Dharur,
District Beed.

... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.

6. Vividh Karyakari Seva Sahakari
Society Ltd., Kanhapur,
Tq. Dharur, District Beed,
through its Secretary.

... RESPONDENTS

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Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9917 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Fakir Jawala,
Tq. Dharur, District Beed
through its Chairman
Ashok s/o Nivrutti Misal
Age 50 years, Occ. Agri.,
R/o Fakir Jawala, Tq. Dharur,
District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.

6. Vividh Karyakari Seva Sahakari
Society Ltd., Dindrud,
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

.....
Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9923 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Surnarwadi,
Tq. Dharur, District Beed
through its Chairman
Ramchandra s/o Maruti Kare,
Age 60 years, Occ. Agri.,
R/o Surnarwadi, Tq. Dharur,
District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.

5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Mohakhed,
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

.....
Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9924 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Kacharwadi,
Tq. Dharur, District Beed
through its Chairman
Vishnu s/o Bhaguram Nirde,
Age 45 years, Occ. Agri.,
R/o Kacharwadi, Tq. Dharur,
District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.

4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Hingani (Bk.),
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

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Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State

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W I T H

WRIT PETITION NO.9925 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Vharkatwadi,
Tq. Dharur, District Beed
through its Chairman
Murlidhar s/o Keshav Varkate,
Age 50 years, Occ. Agri.,
R/o Vharkatwadi, Tq. Dharur,
District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.

3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Mohakhed,
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

.....
Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9926 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Singanwadi,
Tq. Dharur, District Beed
through its Chairman
Sundar s/o Prabhu Bhosale,
Age 55 years, Occ. Agri.,
R/o Singanwadi, Post Mohkhed,
Tq. Dharur, District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,

Maharashtra State, Central Building,
Pune.

3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Mohakhed,
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

.....
Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9927 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Mhatargaon,
Tq. Dharur, District Beed
through its Chairman
Ajitsingh s/o Shivajirao Salgare,
Age 45 years, Occ. Agri.,
R/o Mhatargaon,
Tq. Dharur, District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)

2. The Commissioner of Co-operation and Registrar, Co-operative Societies, Maharashtra State, Central Building, Pune.
3. Divisional Joint Registrar, Co-operative Societies, Latur Division, Latur.
4. District Deputy Registrar, Co-operative Societies, Beed, District Beed.
5. The Assistant Registrar, Co-operative Societies, Dharur, Tq. Dharur, District Beed.
6. Vividh Karyakari Seva Sahakari Society Ltd., Kanhapur, Tq. Dharur, District Beed, through its Secretary. ... RESPONDENTS

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Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State

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W I T H

WRIT PETITION NO.9928 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Kandewadi,
Tq. Dharur, District Beed
through its Chairman
Yogiraj s/o Pandharinath Khade
Age 40 years, Occ. Agri.,
R/o Kandewadi,
Tq. Dharur, District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai

(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)

2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Hingani (Bk.),
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

.....
Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State
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W I T H

WRIT PETITION NO.9929 OF 2015

Vividh Karyakari Seva Sahakari
Sanstha Ltd., Sangam,
Tq. Dharur, District Beed
through its Chairman
Dnyanoba s/o Wamanrao Hormale,
Age 51 years, Occ. Agri.,
R/o Sangam,
Tq. Dharur, District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Co-operation and Textile Department,
Mantralaya, Mumbai
(Copy to be served on G.P.,
High Court of Judicature of
Bombay, Bench at Aurangabad)
2. The Commissioner of Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune.
3. Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
4. District Deputy Registrar,
Co-operative Societies,
Beed, District Beed.
5. The Assistant Registrar,
Co-operative Societies,
Dharur, Tq. Dharur,
District Beed.
6. Vividh Karyakari Seva Sahakari
Society Ltd., Dindrud
Tq. Dharur, District Beed,
through its Secretary. ... RESPONDENTS

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Shri D.J. Choudhari, Advocate for petitioner
Shri N.B. Patil, A.G.P. for State

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CORAM: R.M. BORDE AND
 P.R. BORA, JJ.

DATED: 6th October, 2015.

ORAL JUDGMENT (PER R.M. BORDE, J.):

1. Heard. Rule. Rule made returnable forthwith and
taken up for final hearing at the admission stage.

2. The petitioners are challenging the interim order passed by the Assistant Registrar, Co-operative Societies, Dharur, under Section 102(1)(c)(i)(iv) of the Maharashtra Co-operative Societies Act. By virtue of the interim order, the Assistant Registrar has appointed Senior Auditor as liquidator to administer the affairs of the Societies.

3. The petitioners contend that, in fact there were proposals tendered by the Societies for transfer of share capital, which remained pending and no orders were passed by the Assistant Registrar. As a result of the failure of the Assistant Registrar to pass appropriate orders, the newly formed Societies could not resume functions. It is contended that, the Societies themselves cannot be blamed for inaction on the part of the Assistant Registrar and no interim order within contemplation of Section 102(1)(c) can be issued. It is not a matter in dispute that predecisional hearing has not been extended to the Co-operative Societies by the Assistant Registrar. The orders have been issued without observing the principles of natural justice. The illegalities committed by the Assistant Registrar can be cured by directing him to extend hearing and thereafter consider as to whether there is a ground for continuation of the interim order or the same shall be withdrawn. It is permissible for the Assistant Registrar to extend the post-decisional hearing as has been

recorded by this Court in its reported judgment in **2003(2) Mh.L.J. 790 (Gadchiroli Zilla Sahakari Krushi and Gramin Bahu-uddeshiya Development Bank Ltd., Gadchiroli & anr. Vs. The State of Maharashtra & ors.)**.

4. In view of the precedence quoted above, we direct the Assistant Registrar, Co-operative Societies to extend opportunity of hearing to the petitioners on the issue and desirability of continuation of the interim orders issued by him under Section 102(1)(c) of the Maharashtra Co-operative Societies Act. The petitioners shall appear before the Assistant Registrar on 12.10.2015 and put forth their contentions as well as written submissions, if any. The Assistant Registrar, Co-operative Societies shall issue necessary orders either confirming the order or withdrawing the same as expeditiously as possible, preferably within a period of two weeks from the date of appearance of the petitioners before him. With the directions as above, Writ Petitions are disposed of. Rule made absolute to the extent specified above with no order as to costs.

(P.R. BORA, J.)

(R.M. BORDE, J.)