

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

WRIT PETITION NO.124 of 2014

1. Bhausahab s/o Narayan Netake,
Age 37 years, Occ. Agriculture,
r/o Sangvi, Tq. Ashti,
Dist. Beed.
2. Chandrashekar s/o Ramesh Mule,
Age 32 years, occ: Agriculture,
r/o Shani Chowk, Ashti,
Tq. Ashti, Dist. Beed.

...PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Secretary,
Co-operation Department,
Maharashtra State, Mantralaya,
Mumbai - 32
2. The Director of Marketing,
Maharashtra State, Pune,
Tq. & Dist. Pune.
3. The District Deputy
Registrar, Cooperative Societies,
Beed, Tq. & Dist. Beed.
4. The Assistant Registrar,
Co-operative Societies, Ashti
Tq. Ashti, Dist. Beed.

...RESPONDENTS

...

Mr. V.D.Salunke, Advocate for the petitioners.

Mr. G.R.Ingole, A.G.P., for respondent nos. 1 to 4.

...

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

DATE : JANUARY 27th, 2015

ORAL JUDGMENT: (Per R.M.Borde, J.)

1. Rule. Rule made returnable and heard forthwith with the consent of learned Counsel for the parties.

2. Petitioners are objecting to the order passed on 17th October, 2011, by the Director of Marketing, in purported exercise of control over functioning and affairs of the cooperative society, of issuing directions to the District Deputy Registrar, Cooperative Societies, Beed.

3. It is not a matter of dispute that Shiv Chatrapati Pashu Khadya Utpadak Va Krushi Udhog Sahakari Sanstha Ltd., Ashti, is registered as a cooperative society and the specification of the society is agricultural produce / processing society. The society is registered on 16.3.2002 in accordance with the provisions of the Maharashtra Cooperative Societies Act, 1960, and the Society is governed by the provisions of the said Act and the Rules framed thereunder. The society has also formulated its own bye-laws for conducting its administration.

4. It is surprising that the Director of Marketing, who is functioning as an authority under the provisions of Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as "APMC Act"), on noticing certain irregularities in the functioning of the society, has issued orders directing the District Deputy

Registrar of Cooperative Societies to take appropriate steps for streamlining administration of the society.

5. The order passed by respondent no.2 - Director of Marketing is without jurisdiction since the control over the administration of the society vests in the authorities appointed under the provisions of the Maharashtra Cooperative Societies Act, and such control cannot be exercised by the authorities appointed under the A.P.M.C. Act. If at all the officials of the Cooperation Department are of the opinion that there are certain irregularities committed by the management of the society, it would be open for those authorities functioning under the provisions of the Maharashtra Cooperative Societies Act to take appropriate action. However, the impugned action taken at the instance of respondent no.2, being without jurisdiction, deserves to be quashed and set aside.

Resultantly, the order dated 17th October, 2011, issued by the Director of Marketing, is quashed and set aside with liberty as recorded above in favour of the officials of the Cooperation Department.

Rule is accordingly made absolute.

There shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

...

AGP/124-14wp