

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

WRIT PETITION NO.11839 OF 2015

Shetkari Sahakari Sangh Limited ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Shri M.S. Deshmukh, Advocate for petitioner
Shri M.B. Bharaswadkar, A.G.P. for State
Shri V.J. Dixit, Senior Counsel with
Shri B.K. Patil, Advocate for respondent No.4
Shri S.M. Vibhute, Advocate for respondent No.5
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CORAM: R.M. BORDE AND
 A.I.S. CHEEMA, JJ.

DATED: 11th December, 2015.

ORAL ORDER :

1. The petitioner is objecting to the order passed by the Divisional Joint Registrar, Co-operative Societies, Nasik Division, Nasik, dated 3.12.2015, whereunder the order passed by the Assistant Registrar, Co-operative Societies, Jamner, Taluka Jamner, District Jalgaon, granting approval to bye-laws No.25 and 29 respectively to the extent of reduction of Directors from 7

to 4 from cooperative societies members constituency and increase in number of Directors from 4 to 7 from individual members constituency of respondent No.2 Society was quashed. The Divisional Joint Registrar has directed quashment of the amendment to the concerned bye-laws to the extent specified mainly on the ground that the procedure prescribed for adoption of such amendment has not been followed by the Society. There are also other observations made in the order, which are objected to by petitioner, those need not be considered at this stage of the proceedings.

2. It would be open for the petitioner Society to adopt proper procedure for amending the concerned bye-laws to the extent specified by the Divisional Joint Registrar in his order. A notice for amendment to the bye-laws shall be published by the Society within one week from today and after observing the procedure prescribed for amendment of the bye-laws i.e. securing approval to the amendment in the General Body meeting, the proposal shall be submitted to the Assistant Registrar, Co-operative Societies, Jamner within a period of one week from the date of adoption of such resolution in the General Body meeting. The Assistant Registrar, Co-operative Societies, Jamner, on receipt of the proposal, shall consider the issue of

according approval to the amendment, strictly in accordance with law and without being influenced by the observations made by the Divisional Joint Registrar in his order, independently applying his mind to the matter before him within a period of seven days from the date of receipt of the proposal.

3. It is informed that the programme for finalisation of the voters list has already been declared and the same need not be disturbed. The final list of voters is scheduled to be published on 14th December 2015, which shall be the basis for holding elections of the Society. The further programme of election shall be declared by the end of January 2016 so as to facilitate the Society to take appropriate steps in respect of amendment of the bye-laws.

4. The instant order shall have applicability to instant case alone. Writ Petition stands disposed of accordingly.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)