

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 9700 OF 2014**

Ajoti Vividh Karyakari Seva
Sanstha Maryadit, Ajoti

....Petitioner.

Vs.

Assistant Registrar, Co-operative
Societies, Pandharpur & Anr.

....Respondents.

Mr. Surel Shah for the Petitioner.

Ms. Vaishali Nimbalkar, AGP for Respondent Nos. 1 and 2.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 5 FEBRUARY 2015.

PC:-

Rule. Rule, returnable forthwith.

Heard finally, by consent of the parties.

2 I am inclined to dispose of the present Writ Petition, as by impugned order dated 1 September 2014, Respondent No. 1 refused to grant registration as contemplated under Rule 4(1) of the Maharashtra Co-operative Societies Rules, 1961 (for short, "the MCS Rules") merely on the ground that in order dated 4 April 2014 passed in Writ Petition No. 1747 of 2013 (*Nitin Prabhakar Bankar Vs. The Saptarsringi Mahila Vividh Karyakari Seva Sahakri Sanstha Maryadi & Ors.*), no benefit extended to the Petitioner, as was not the party to the same and thereby directed to file a fresh Application based upon

Government Resolution dated 23 September 2013, which in my view is incorrect approach. In paragraph No. 16, this Court in Nitin (Supra) has specifically observed as under:-

“16(I) Registration of PACSs granted up to 03.12.2011 in terms of Government policy contained in GR dated 07.02.2001 is legal, valid and, therefore, will have to be upheld.”

3 The Petitioner's Application was dated 29 September 2011. Therefore, in view of the judgment and as governed by the Government Resolution dated 7 February 2001, the date of Application therefore, is relevant factor which, the Authority needs to consider on then existing provisions and consider to grant the registration if the Petitioner is eligible, in accordance with law.

4 Therefore, by keeping all points open, Respondent No.1 is directed to decide the Application in view of above observations, as early as possible, preferably within two months.

5 Rule is made absolute, accordingly. No costs.

(ANOOP V. MOHTA, J.)