IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 1787 OF 2015

Balaso Tukaram Patil ….Petitioner.
Vs.
Chhatrapati Rajaram Sahakari
Sakhar Karkhana Ltd. & Ors. ….Respondents.

WITH
WRIT PETITION NO. 1796 OF 2015

Anant Shrihari Patil & Anr. ….Petitioners.
Vs.
Chhatrapati Rajaram Sahakari
Sakhar Karkhana Ltd. & Ors. ….Respondents.

WITH
WRIT PETITION NO. 1801 OF 2015

Sagar Bajirao Randive & Ors. ….Petitioners.
Vs.
Chhatrapati Rajaram Sahakari
Sakhar Karkhana Ltd. & Ors. ….Respondents.

Mr. R.V. Pai a/w Mr. P.D. Dalvi for the Petitioners.
Mr. Amit Borkar for Respondent No.1.
Mr. S.D. Rayrikar, AGP for Respondent Nos. 2 and 3.

CORAM:- ANOOP V. MOHTA, J.
DATE :- 26 FEBRUARY 2015.

ORAL JUDGMENT:-

Rule, made returnable forthwith.

Heard finally by consent of the parties.

2 The Petitioners-objectors have challenged order dated 13 February 2015, stating it to be without reason and failed to consider the specific objection raised on 6 February 2015 . The Society, by reply dated 10 February 2015 resisted the said objection and pointed out the specific provisions referring to the Model bye-laws, which admittedly adopted on 17 February 2015.

3 The learned AGP appearing for Respondent No.2, by reply dated 25 February 2015, resisted the present Petitions and prayers so made, so also the learned advocate appearing for Society-Respondent No.1. After hearing both the parties, in the present case, as the Respondent-Society is same and so also the impugned order, I am dismissing all these Writ Petitions by common order, as Respondent No.2 has dealt with specifically the provisions of bye-laws No. 7(8) whereby, if member or person does not deposit the amount of share within 3 years, then the Board of Director has right to seize that advance amount of share. But before doing this procedure one year time is to be granted to that members before seizing the share by giving 15 days notice. Therefore, only

after giving opportunity to the concerned members, based upon the bye-laws, the Society need to take decision. The submission of no reason, in view of the objection so raised, is unacceptable. The reference therefore, so made of Section 11, as the question of qualification and/or disqualification need to be adjudicated in view of the objections so raised, revolving around the allegations of "Defaulters" and such issue is beyond the jurisdiction of this Authority and the fact that the Society has not yet finalized those aspects by following the procedure and therefore, published the list inclusive of those members. The said list, so published by the Society, in view of above, as confirmed by Respondent No.2 by rejecting the objection, need no interference. The submission of the learned counsel appearing for the Petitioners revolving around Section 30 and so also the Membership Register including Section 27(3) (a) of the Maharashtra Co-operative Societies Act, 1960 is of no assistance to interfere with the order so passed, as the acceptance of bye-laws on 17 October 2014 itself will not change and/or permit the Society to disturb the membership list and/or Membership Register, specifically when those are members of the Society since 2002. To delete the name of Society members, required specific provisions and the

procedures to be followed. Therefore, the list so published by the Society and confirmed by Respondent No.2 need no interference and so also the impugned order, as the same is within the framework of law and the record.

4 All these Petitions are accordingly dismissed.

(ANOOP V. MOHTA, J.)