

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO.16281 OF 2015**

Mr. Bhaskar Dalvi	]	
Age Adult, Occu : Agriculturist,	]	
R/at : Nashik	]	
District Nashik	]	 Petitioner

versus

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| 1] | The Vinchurdalavi Vividh Karyakari Seva] |] |
| | Sahakari Sanstha Maryadit |] |
| | Having office at Vinchurdalavi |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |
| | |] |
| 2] | The Assistant Registrar, Co-operative |] |
| | Societies, |] |
| | Tal. Sinnar, Dist. Nashik |] |
| | |] |
| 3] | The Divisional Joint Registrar |] |
| | Co-op. Societies |] |
| | Nashik Division, Nashik |] |
| | Dist. Nashik. |] |
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| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
| | |] |
| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
| | |] |
| 6] | Election Officer, APMC, Nashik |] |
| | | Respondents. |

**ALONG WITH
WRIT PETITION STAMP NO.16282 OF 2015**

Mr. Dyaneshawar Nivrutti Thorat	]	
Age Adult, Occu : Agriculturist,	]	
R/at : Panchale, Tal. Sinner	]	
District Nashik	]	 Petitioner

versus

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| 1] | The Panchale Shetkari Vikas Sahakari |] |
| | Sanstha Maryadit and ors. |] |
| | Having office at Panchale |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |
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| 2] | The Assistant Registrar, Co-operative |] |
| | Societies, |] |
| | Tal. Sinnar, Dist. Nashik |] |
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| 3] | The Divisional Joint Registrar |] |
| | Co-op. Societies |] |
| | Nashik Division, Nashik |] |
| | Dist. Nashik. |] |
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| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
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| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
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| 6] | Election Officer, APMC, Nashik |]..... Respondents. |

**ALONG WITH
WRIT PETITION STAMP NO.16285 OF 2015**

Mr. Pandit Nagare	]
Age Adult, Occu : Agriculturist,	]
R/at : Bargaon, Tal. Sinner	]
District Nashik	]..... Petitioner

versus

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| 1] | The Bhargaon Pimpri Vikas Sahakari |] |
| | Sanstha Maryadit and ors. |] |
| | Having office at Bargaon |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |

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| 2] | The Assistant Registrar, Co-operative Societies,
Tal. Sinnar, Dist. Nashik |]
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| 3] | The Divisional Joint Registrar
Co-op. Societies
Nashik Division, Nashik
Dist. Nashik. |]
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| 4] | State of Maharashtra
Through Secretary, Department for
Co-operation, Mantralaya,
Mumbai |]
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| 5] | Dist. Deputy Registrar
Co-operative Societies, Nashik |]
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| 6] | Election Officer, APMC, Nashik |]
]..... Respondents. |

**ALONG WITH
WRIT PETITION STAMP NO.16286 OF 2015**

Mr. Sopan Ugale	]
Age Adult, Occu : Agriculturist,	]
R/at : Pimpri, Tal. Sinner	]
District Nashik	]..... Petitioner

versus

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|----|---|---------------------------------|
| 1] | The Patpimpri Vikas Karyakari Seva
Sahakari Maryadit
Having office at Patpimpri
Taluka Sinnar, Dist. Nashik
Through its Secretary |]
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| 2] | The Assistant Registrar, Co-operative Societies,
Tal. Sinnar, Dist. Nashik |]
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| 3] | The Divisional Joint Registrar
Co-op. Societies
Nashik Division, Nashik
Dist. Nashik. |]
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| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
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| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
| | |] |
| 6] | Election Officer, APMC, Nashik |]..... Respondents. |

**ALONG WITH
WRIT PETITION STAMP NO.16287 OF 2015**

Mr. Dagu Tambe	]
Age Adult, Occu : Agriculturist,	]
R/at : Gonde, Tal. Sinner	]
District Nashik	]..... Petitioner

versus

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|----|---------------------------------------|---|
| 1] | The Gonde Shetkari Vikas Sahakari |] |
| | Sanstha Maryadit |] |
| | Having office at Gonde |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |
| | |] |
| 2] | The Assistant Registrar, Co-operative |] |
| | Societies, |] |
| | Tal. Sinnar, Dist. Nashik |] |
| | |] |
| 3] | The Divisional Joint Registrar |] |
| | Co-op. Societies |] |
| | Nashik Division, Nashik |] |
| | Dist. Nashik. |] |
| | |] |
| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
| | |] |
| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
| | |] |

6] Election Officer, APMC, Nashik]..... Respondents.

ALONG WITH
WRIT PETITION STAMP NO.16289 OF 2015

Mr. Vishnupant Pabale]
Age Adult, Occu : Agriculturist,]
R/at : Naygaon, Tal. Sinner]
District Nashik]..... Petitioner

versus

1] The Quality Phule Bhajipala]
Sahakari Sanstha Maryadit]
Having office at Naigaon]
Taluka Sinnar, Dist. Nashik]
Through its Secretary]
]]
2] The Assistant Registrar, Co-operative]
Societies,]
Tal. Sinnar, Dist. Nashik]
]]
3] The Divisional Joint Registrar]
Co-op. Societies]
Nashik Division, Nashik]
Dist. Nashik.]
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4] State of Maharashtra]
Through Secretary, Department for]
Co-operation, Mantralaya,]
Mumbai]
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5] Dist. Deputy Registrar]
Co-operative Societies, Nashik]
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6] Election Officer, APMC, Nashik]..... Respondents.

ALONG WITH
WRIT PETITION STAMP NO.16290 OF 2015

Mr. Ramdas Chakane]
Age Adult, Occu : Agriculturist,]
R/at : Manori, Tal. Sinner]
District Nashik]..... Petitioner

versus

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| 1] | The Manori Shetkari Vikas Sahakari |] |
| | Sanstha Maryadit |] |
| | Having office at Manori |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |
| | |] |
| 2] | The Assistant Registrar, Co-operative |] |
| | Societies, |] |
| | Tal. Sinnar, Dist. Nashik |] |
| | |] |
| 3] | The Divisional Joint Registrar |] |
| | Co-op. Societies |] |
| | Nashik Division, Nashik |] |
| | Dist. Nashik. |] |
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| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
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| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
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| 6] | Election Officer, APMC, Nashik |]..... Respondents. |

**ALONG WITH
WRIT PETITION STAMP NO.16291 OF 2015**

Mr. Dilip Harak	]
Age Adult, Occu : Agriculturist,	]
R/at : Shivade, Tal. Sinner	]
District Nashik	]..... Petitioner

versus

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| 1] | The Borkhind Shetkari Vikas Sahakari |] |
| | Sanstha Maryadit |] |
| | Having office at Borkhind |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |] |
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| 2] | The Assistant Registrar, Co-operative Societies,
Tal. Sinnar, Dist. Nashik |]
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| 3] | The Divisional Joint Registrar
Co-op. Societies
Nashik Division, Nashik
Dist. Nashik. |]
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| 4] | State of Maharashtra
Through Secretary, Department for
Co-operation, Mantralaya,
Mumbai |]
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| 5] | Dist. Deputy Registrar
Co-operative Societies, Nashik |]
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| 6] | Election Officer, APMC, Nashik |]
]..... Respondents. |

ALONG WITH
WRIT PETITION STAMP NO.16294 OF 2015

Mr. Ravindra Chine	]
Age Adult, Occu : Agriculturist,	]
R/at : Pathare, Tal. Sinner	]
District Nashik	]..... Petitioner

versus

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| 1] | The Pathare (BK) Shetkari Vikas Sahakari]
Sanstha Maryadit |]
] |
| | Having office at Pathare (BK) |] |
| | Taluka Sinnar, Dist. Nashik |] |
| | Through its Secretary |]
] |
| 2] | The Assistant Registrar, Co-operative Societies,
Tal. Sinnar, Dist. Nashik |]
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] |
| 3] | The Divisional Joint Registrar
Co-op. Societies
Nashik Division, Nashik
Dist. Nashik. |]
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| 4] | State of Maharashtra |] |
| | Through Secretary, Department for |] |
| | Co-operation, Mantralaya, |] |
| | Mumbai |] |
| | |] |
| 5] | Dist. Deputy Registrar |] |
| | Co-operative Societies, Nashik |] |
| | |] |
| 6] | Election Officer, APMC, Nashik |]..... Respondents. |

Mr. G S Godbole i/by Mr. Drupad Sopan Patil a/w Mr. Akshay Petkar for the Petitioners in all the Writ Petitions.

Mr. P S Dani, Senior Advocate with Mr. S M Sabrad a/w Mr. Vikram N Walawalkar for the Respondent No.1 in all the Petitions.

Mr. S D Rayrikar, AGP, for the Respondent Nos. 2 to 5 in all the Petitions.

CORAM : R. M. SAVANT, J.

DATE : 2nd July 2015

ORAL JUDGMENT

1 At the outset the learned counsel for the Petitioners seeks deletion of the Respondent No.6 from all the above Petitions. The said Respondent No.6 is accordingly allowed to be deleted at the risk of the Petitioners.

2 Rule with the consent of the learned counsel for the parties made returnable forthwith and heard.

3 The above Petitions take exception to the order dated 18/6/2015 passed by the Revisionary Authority i.e. the Hon'ble Minister for Cooperation, Marketing, Textile, by which order the Applications for stay filed in Revision Application Nos.425 to 433 of 2015 came to be allowed and resultantly the

order dated 13/5/2015 passed by the Divisional Joint Registrar, Co-operative Societies came to be stayed.

4 It is not necessary to burden this order with unnecessary details considering the nature of the order to be passed and directions that are to be issued. The proceedings have arisen on account of the Applications made by the Respondent No.1 in each of the Petitions for its conversion into Primary Agricultural Credit Societies from Vividh Karyakari Societies (for convenience sake hereinafter referred to as “the Respondent No.1 societies”) . The instant proceedings have a chequered history, however, the same is not necessary to be gone into for the purposes of adjudication of the present Petitions. Suffice it to state that the genesis of the proceedings lies in the order dated 8/4/2014 passed in a group of Writ Petitions filed by the present Petitioner who were out of the said 14 Petitioners being Writ Petition No. 3448 of 2015 and other companion matters. The said Writ Petitions came to be allowed and resultantly the order dated 8/1/2013 passed by the then Hon'ble Minister for Co-operation, Marketing and Textile allowing the Applications filed by the Respondent No.1 Societies for registering themselves as Primary Agricultural Credit Societies as also consequential order dated 25/3/2013 passed by the Assistant Registrar, Co-operative Societies came to be set aside, however the liberty was granted to the Respondent No.1 Societies to apply afresh to the Assistant Registrar. It seems that thereafter the Applications were made to the

Assistant Registrar who had allowed the same by his order dated 5/11/2014 which order was challenged before the Divisional Joint Registrar by the Petitioners by way of an Appeal. The Divisional Joint Registrar by his order dated 16/2/2015 set aside the order passed by the Assistant Registrar registering the Respondent No.1 Societies as Primary Agricultural Credit Societies.

5 Against the order dated 16/2/2015 the Respondent No.1 Societies in the said group of Petitions filed Revision Applications before the State Government i.e. the Hon'ble Minister for Co-operation. In the said Revision Applications the Revisionary Authority i.e. the Hon'ble Minister for Co-operation had stayed the order dated 16/2/2015 passed by the Divisional Joint Registrar. Upon this, the Petitioners herein had filed Petitions challenging the said order passed by the Revisionary Authority dated 17/3/2015. This Court by order dated 6/4/2015 in a group of Petitions being Writ Petition No.3448 of 2015 and companion matters had set aside the order dated 16/2/2015 passed by the Divisional Joint Registrar as also the order dated 17/3/2015 passed by the Revisionary Authority and remanded the matter back to the Divisional Joint Registrar for a de-novo consideration of the Appeals for the reasons mentioned in the said order dated 6/4/2015. It is on remand that the instant order dated 13/5/2015 came to be passed by the Divisional Joint Registrar allowing the Appeals and setting aside the orders all dated 5/11/2014. The gist of

reasoning of the Divisional Joint Registrar is that the Assistant Registrar has passed the orders without considering the mandate of the order passed by this Court as well as the Government Resolution covering the subject. The said order dated 13/5/2015 passed by the Divisional Joint Registrar was taken exception to by the Respondent No.1 Societies by filing the Revision Applications before the State Government being Revision Application Nos.425 to 433 of 2015. In the said Revision Applications an application for stay of the order dated 13/5/2015 passed by the Divisional Joint Registrar was sought. The Revisionary Authority by the impugned order dated 18/6/2015 has allowed the Applications for stay filed by the Respondent No.1 Societies and thereby has stayed the order dated 13/5/2015 passed by the Divisional Joint Registrar. It is against the said order that the instant Petitions are filed.

6 The principal ground of challenge to the impugned order is that the same has been passed without notice to the Petitioners and therefore without hearing them. The said fact has been seriously disputed on behalf of the Respondent No.1 Societies as well as by the learned AGP appearing for the Respondents/State.

7 It is sought to be contended on behalf of the Respondents that though the Petitioners might not have been present before the Revisionary Authority, their lawyer was very much present who refused to sign the minutes

recording attendance on the said day. Hence the contentious issue is as to whether the Petitioners in fact were heard or not and one of the causes for the same is that there is no reference to any appearance on behalf of the Petitioners in the impugned order.

8 The grievance is also made that the impugned order has been passed which has resulted in the inclusion of the names of the Respondent No.1 Societies in the voters list for the elections to be held for the APMC, Sinnar.

9 Be that as it may, since the challenge in the above Petitions is to the order granting of stay and having regard to the nature of the directions to be issued, this Court does not deem it appropriate to delve into the said controversy as regards whether in fact the Petitioners were heard or not. In my view, since the Revision Applications filed by the Respondent No.1 Societies are pending before the Revisionary Authority and since the learned AGP on instructions states that same would be decided within the time frame that would be stipulated by this Court, in my view, it would be just and proper to dispose of the above Petitions by issuing the following directions :-

- 1] The impugned order dated 18/6/2015 is not interfered with.

- 2] The Revisionary Authority is directed to hear and decide the Revision Applications themselves within one week of the next date of hearing i.e. 8th July 2015. The Revision Applications are to be disposed of on or before 15/7/2015.
- 3] The Petitioners to file their written submissions on or before 6/7/2015 by giving advance copy to the Respondent No.1 Societies to be served on Advocate Shri S M Sabrad who would accept them on behalf of the Respondent No.1 Societies.
- 4] The Revisionary Authority would decide the Revision Applications on their own merits and in accordance with law uninfluenced by the impugned order dated 18/6/2015.
- 5] The inclusion of the names of the Respondent No.1 Societies in the voters list is for the present not interfered with but the same would be contingent upon the decision that would be rendered in the Revision Applications.
- 6] The learned counsel appearing for the parties i.e. Shri Drupad Patil for the Petitioners and Shri S M Sabrad for the Respondent No.1 Societies state that their respective clients would appear before the

Revisionary Authority i.e. the Hon'ble Minister for Co-operation on 8th July 2015 at 3.00 p.m. and that no adjournment would be sought. Hence the need to issue notice to the parties is obviated.

- 7] The above Petitions are allowed to the aforesaid extent. Rule in all the Petitions is accordingly made absolute with parties to bear their respective costs.

[R.M.SAVANT, J]