

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

WRIT PETITION NO. 5163 OF 2015

1. Sow Sunandabai Vishwas Karad,
Age : 55 years, Occu. : Agril.,
2. Harishchandra S/o Sudamrao Chate,
Age : 48 Years, Occu. : Agril.,
3. Sow Mudrikabai W/o Janardhan Karad,
Age : 53 Years, Occu. : Agril.,
4. Bhagwat S/o Hariba Karad,
Age : 58 Years, Occu. : Agril.,
5. Sow. Bhagirthibai W/o Vasant @
Yeshwant Dahiphale,
Age : 32 Years, Occu. : Agril.,

All R/o Chikhali, Tq. Ahmedpur,
Dist. Latur.

6. Dhanraj S/o Chandrakant Sirsat,
Age : 57 Years, Occu. : Agril.,
R/o Sirsatwadi, Tq. Ahmedpur,
Dist. Latur.
7. Ashok S/o Bapurao Kalyane,
Age : 58 Years, Occu. : Agril.,
R/o Kingaon, Tq. Ahmedpur,
Dist. Latur.

.. Petitioners

Versus

1. The State of Maharashtra,
Through Secretary, Co-operative Dept.
Mantralaya, Mumbai - 32.

2. The Assistant Registrar,
Co-operative Societies, Ahmedpur,
Dist. Latur.
3. "Mukundraj Maharaj Water Supply
Co-operative Society Ltd.", Kawalwadi,
Tq. Ahmedpur, Dist. Latur,
Through its Chairman/Secretary. .. Respondents

Shri Sunil V. Warad, Advocate for Petitioners.

Shri V. S. Badakh, A.G.P. for Respondent Nos. 1 and 2.

Shri R. B. Deshpande, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 28TH SEPTEMBER, 2016.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. Mr. Warad, the learned counsel for the petitioner states that, the memberships of petitioners of the respondent No. 3 society is cancelled without even issuing show cause notice to petitioners and only on the ground that water is not available in the storage tank. The learned counsel submits that, said expulsion of petitioners by passing resolution behind back of petitioners and without following bye-laws is illegal. The learned counsel relies on the judgment of the Division Bench of this Court in the case of S. M. Kamble and others Vs. Jt.

Registrar, Co-operative Societies reported in 2007(6)
Mh. L. J. 890.

2. Mr. Deshpande, the learned counsel for the respondent No. 3/society submits that, as there was no water available in the storage tank, memberships of the petitioners was cancelled. The resolution has been passed by the society to that effect and it has been sent to the Assistant Registrar for approval and the same is till pending for approval.

3. We have considered the submissions canvassed by learned counsel for respective parties. Now it is agreed by the parties to the petition that the storage tank is full and water is available.

4. Even otherwise expulsion of the petitioners as members of the respondent No. 3 society was without following due procedure of law as has been held by this Court in the case of **S. M. Kamble and others Vs. Jt. Registrar, Co-operative Societies** referred to supra.

5. In the light of the above, the impugned communication and resolution is quashed and set aside. Rule is made absolute in terms of prayer clause "C". No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]