

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

Writ Petition No.9820 of 2015

* Mauli Majur Co-operative Society
Ltd. Rajatakli,
Taluka Ghansavangi, District Jalna
Through its Chairman
Prakash S/o Pralhad Taur,
Age 39 years,
Occupation : Labour,
R/o Rajatakli,
Taluka Ghansavangi, District Jalna. .. **Petitioner.**

Versus

- 1) The State of Maharashtra
Through the Secretary,
Cooperation and Textile
Department, Mantralaya,
Mumbai - 32.
- 2) The Assistant Registrar,
Cooperative Societies,
Ghansavangi,
Taluka Ghnsavangi,
District Jalna. .. **Respondents.**

Shri. K.J. Suryawanshi, Advocate, for petitioner.

Shri. S.N. Kendre, Assistant Government Pleader, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 16th AUGUST 2016

JUDGMENT:

1) Rule, rule made returnable forthwith. Heard both sides for final disposal.

2) The petition is filed by the Chairman of cooperative society to challenge the order made by the Assistant Registrar, Cooperative Societies, Ghansavangi. By order dated 21-4-2015, the assistant Registrar made interim order under provision of section 102(1) of the Maharashtra Cooperative Societies Act 1960 and made order of liquidation of the society and appointed one officer as liquidator. In the order it is mentioned that one inquiry was going on against one M.L. Dodke, Sectional Engineer of the Government Department and said M.L. Dodke and one Sarjerao Jadhav of the present cooperative society are held responsible in respect of some irregularity where there is possibility of misappropriation. Recommendation was made to take action like suspension of Shri. M.L. Dodke, Sectional Engineer, and as another person connected with the society was also found responsible and so aforesaid action was taken. The action was taken on the basis of letter issued by the Collector.

3) Learned Assistant Government Pleader submitted that there was sufficient material for taking such action and there is power with the officers in view of provision of section 102 of the Act and so the writ petition is not tenable.

4) Admittedly no show cause notice was issued before making the order of liquidation. Learned counsel for the petitioner has placed reliance on a case reported as **2004(1) Mh.L.J. 232 (C.Z.S.K. & G.B.D. Bank Ltd. vs. State of Maharashtra)**. In this case decided by Division Bench of this Court, the Court has made it clear that even for interim order like direction given by the Registrar to wind up, the society needs to be heard in view of principles of natural justice. Before making such order, the Registrar is duty bound to grant hearing to the concerned society. In view of the fact that no show cause notice was given before making interim order in the present matter, the principles of natural justice were not followed and as such order affects not only the office bearers but also the interest of the members of the society, such order cannot sustain in law. There will be

liberty to the office of the Registrar to follow proper procedure and take appropriate action like making such order. So the petition is allowed. The aforesaid interim order made by the Assistant Registrar is hereby set aside. Rule is made absolute in the aforesaid terms.

Sd/-
(T.V. NALAWADE, J.)

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