

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

Writ Petition No. 389 of 2013

Shaikh Dawood Ahemad Babasaheb,
Age : 70 years,
Occupation : Retired Professor,
R/o. A/1, Cosmic Society,
Balkrishna Road, Ahemadnagar,
Taluka & District : Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary for Co-operation,
Mantralaya, Fort, Mumbai - 400 032.
2. District Deputy Registrar,
Co-operative Societies,
Ahmednagar,
Taluka & District : Ahmednagar.
3. Deputy Registrar,
Co-operative Societies,
Ahmednagar,
Taluka & District : Ahmednagar.
4. Cosmic Co-operative Housing
Society Ltd., Ahmednagar,
through its Liquidator,
Mr. S.V. Khade, an employee of the
Maharashtra Co-operative Housing
Finance Corporation Ltd., Mumbai,
District Office at Aurangabad in
Arth Complex, Adalat Road,
Aurangabad,
Taluka & District : Aurangabad.

.. Respondents.

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Mr. M.S. Indani, Advocate, for the petitioner.

*Mr. A.P. Basarkar, Asst. Government Pleader, for
respondent nos.1 to 3.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 5TH JANUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. We have heard Mr. Indani, the learned Counsel for the petitioner and Mr. Basarkar, the learned Asst. Government Pleader for respondent nos.1 to 3.
2. The learned Counsel for the petitioner submits that the application is filed seeking permission to prosecute the Liquidator. The same is rejected on the ground that the application does not disclose the right to file civil proceedings. The learned Counsel submits that detail reasons are given in the application for seeking permission.
3. We have perused the application given by the petitioner. One of the application is regarding termination of the dissolution proceedings under Section 109 of the Maharashtra Co-operative Societies Act, 1960 **[For short, hereinafter referred to as “Act of 1960”]**. The other application given is with regard to taking action about defamation against the Liquidator. During the course of arguments, the learned Counsel for the petitioner states that permission be granted to challenge the sale of flats by

the Liquidator which has been done illegally.

4. On perusal of the application given by the petitioner, it is clear that the purpose which is stated in the said application does not come within the ambit and purview of Section 107 of the Act of 1960. In view of that, the relief claimed by the petitioner cannot be granted.

5. The petitioner may make a suitable application before the authority, seeking permission under Section 107 of the Act of 1960, in respect of the action which would come within the ambit of said Section. In case, such application is made by the petitioner, the authority shall take decision on the said application, as expeditiously as possible and preferably within six months from the date of application.

6. With the above observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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