

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 168 OF 2016

Shri Chudgo Rama Gaonkar,
s/o. Shri Rama Gaonkar, aged
57 years, married,
Agriculturist, Indian National,
r/o. H. No. 164, Bhatikarwada, Bhati,
Sanguem, Goa.

..... Petitioners

V e r s u s

1. Registrar of Co-operative Societies, Government of Goa, 4th and 5th Floor, Sahakar, Sankul, EDC Complex, Patto, Panaji, Goa.
2. Deputy Registrar of Co-operative Societies (TECH), Government of Goa, 4th and 5th floor, Sahakar Sankul, EDC Complex, Patto, Panaji, Goa.
3. The Asst. Registrar of Co-operative Societies (Election Cell), North Goa District, Panaji, Goa.
4. The Asst. Registrar of Co-operative Societies, Quepem zone, Quepem , Goa.
5. Mallikarjun Sahakari Dudh Vyavasayik Saunstha Maryadit, represented by its Secretary Shri Premanand Kurdikar, Bhati, Sanguem, Goa.
6. Shri Chandrakant Shidu Bhatikar, s/o Shri Shidu Bhatikar, major in age, married, agriculturist, r/o. Bhatikarwada, Bhati, Sanguem, Goa.
7. Shri Anand Babi Gaonkar, s/o Shri Babi Gaonkar, major in age, married, agriculturist, r/o. Gaonkarwada, Bhati, Sanguem, Goa.

8. Shri Vithoba Narayan Kuttikar,
s/o. Shri Narayan Kurrikar,
major in age, agriculturist,
r/o. Kongarem, Bhati, Sanguem,
Goa.
9. Shri Gurudas Poro Gaonkar,
s/o Shri Poro Gaonkar,
major of age, married,
agriculturist, r/o Madiya
Namas, Bhati, Sanguem, Goa.
10. Shri Laximan S. Bhatikar,
major in age, married,
agriculturist, r/o. Gaonkarwada,
Bhati, Sanguem, Goa.
11. Shri Anand K. Bhatikar,
major in age, married,
agriculturist, r/o. Gaonkarwada,
Bhati, Sanguem, Goa.
12. Shri Chanda P. Gaonkar,
major in age, agriculturist,
r/o. Kongarem, Bhati, Sanguem,
Goa.
13. Shri Vasudev N. Kurtikar,
major of age, married,
agriculturist, r/o. Madiya
Namas, Bhati, Sanguem, Goa.
14. Shri Gopal R. Bhatikar,
major in age, married,
agriculturist, r/o. Gaonkarwada,
Bhati, Sanguem, Goa.

... Respondents

Mr. Shivan Desai, Advocate for the Petitioner.

Mr. P. Dangui, Advocate for the Respondent nos. 1 to 4.

Coram :- **F. M. REIS,**
NUTAN D. SARDESSAI, JJ.

Date : **16th June, 2016**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri Shivan Desai, learned Counsel appearing for the Petitioner and Shri P. Dangui, learned Addl. Government Advocate appearing for the Respondents.

2. Rule.

3. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondents, waive service.

4. The above Petition, inter alia, takes exception to the Order dated 28.01.2016 under Section 67 (1)(e) of the Goa Co-operative Societies Act, 2001 as well as the Order no.2 dated 24.12.2015 under Section 126-A so also the communication dated 31.08.2015 whereby a recommendation was submitted by Respondent no. 3 to constitute the Board of Director of Respondent no. 5.

5. Shri Shivan Desai, learned Counsel appearing for the Petitioner, has pointed out that though the said Orders including the Order under Section 126-A of the Co-operative Societies Act, are impugned in the above petition the anxiety of the Petitioner is essential to ensure that elections are conducted as expeditiously as possible of the subject society.

6. Shri P. Dangui, learned Addl. Government Advocate appearing for the

Respondent nos. 1 to 4, upon instructions of Respondent no. 2, who is present in Court, has pointed out that in case the impugned Order passed under Section 126A of the said Act continues to be in operation, the Respondent no. 2 shall conduct the elections of the concerned Society as expeditiously as possible in any event within a period of three months from today in accordance with law.

7. Shri Dessai, learned Counsel appearing for the Petitioner, submits that in case the elections are so held within a period of three months, the Petitioner shall not press for the change to the impugned Orders referred to herein above.

8. In view of the above, the Petition stands disposed of accepting the statement of the learned Addl. Government Advocate, upon instructions of Respondent no. 2, to complete the elections process of the subject Society as expeditiously as possible in any event within three months from today in accordance with law.

9. Rule stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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