

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 444 OF 2016

Mohan Tukaram Bhosale	..	Petitioner
VS.		
The State of Maharashtra & Ors.	..	Respondents

Mr. Y. Deshmukh i/b. Mr. G. V. Chavan for Petitioner.
Ms Vaishali Nimbalkar – AGP for Respondent Nos. 1 to 4.
Mr. Amit Borkar for Respondent No. 5.

WITH
WRIT PETITION (STAMP) NO. 2895 OF 2016

Bhima Sahakari Sakhar Karkhana Ltd.	..	Petitioner
VS.		
Mohan Tukaram Bhosale & Ors.	..	Respondents

Mr. Amit Borkar for Petitioner.
Mr. Y. Deshmukh i/b. Mr. G. V. Chavan for Respondent No. 1.
Mr. S. D. Rayrikar - AGP for Respondent Nos. 2 and 3.

CORAM : M. S. SONAK, J.
DATE : 01 MARCH 2016

P.C :

1] The main relief in writ petition no. 444 of 2016 is to seek implementation of the order dated 22 July 2015 made by the Minister (Co-operative Societies), in the matter of furnish of certain information by Bhima Sahakari Sakhar Karkhana Ltd. (Society). The information applied for and directed to be supplied, was in the context of the petitioner's communication dated 19 February 2013, (which is at Exhibit 'A' - page 8 of the memo of writ petition (stamp) no. 2895 of 2016).

2] As recorded in order made on 25 February 2016, the information referred to in clauses 2, 3 and 4 of the letter dated 19 February 2013 has been substantially supplied and therefore, no grievance in the said regard persists. This is confirmed by the learned counsel for the petitioner.

3] In so far as information contained in clause 1 of the letter dated 19 February 2013 is concerned, the statement of Mr. Borkar, who appears for the Society is already recorded in paragraph 5 of the order dated 25 February 2016. The learned counsel for the petitioner however states that the petitioner requires the details of the stamp papers if purchased, in order to establish that the elected members of the managing committee had failed to execute bond as contemplated by Section 73(1AB) of the Maharashtra Co-operative Societies Act, 1960 (said Act) within the prescribed period and therefore, are deemed to have vacated their office as member of the committee.

4] At the outset, it must be noted that this is very circuitous manner of seeking information. Nothing prevented the petitioner from directly seeking information as to whether the elected members of the managing committee had indeed complied with the provisions contained in Section 73(1AB) of the said Act. This information could have also been applied to the Registrar, before

whom, the bond is to be executed and filed. That apart, the information applied for, was to the society and not to the elected members of the managing committee, who are individually, required to execute such bond. Mr. Borkar points out that the term of the managing committee which commenced on 30 March 2011 has virtually ended and even the fresh elections are scheduled on 14 March 2016.

5] Taking into consideration all the aforesaid circumstances, cumulatively, there is no justification for the petitioner in pursuing this petition with regard to the vague and unintelligible query / information raised / applied for by him in clause 1 of the letter dated 19 February 2013. Accordingly, no further reliefs, other than what the petitioner has already availed are required to be granted in this petition.

6] The writ petition (stamp) no. 2895 of 2016 was instituted by the society to impugn the order of the Minister. Since the order has been substantially complied with, Mr. Borkar, does not press for any further reliefs in the said petition.

7] Accordingly, both the petitions are disposed of. There shall be no order as to costs.