

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****PUBLIC INTEREST LITIGATION NO. 29 OF 2001**

1. Phaltan Shriram Vividh Karyakari)
 Sahakari Seva Society Ltd., Phaltan)
 [A registered Co-operative Society (VKS))
 under the provisions of the Maharashtra)
 Co-operative Societies Act, having its)
 registered Office at Phaltan, Tal : Phaltan)
 District Satara, through the Chairman,)
 Shri Pramod Anandrao Khalate,)
 Chairman, adult, Occ : Agriculture,)
 Residing at : Phaltan, Tal. Phaltan,)
 District Satara])

2. Somantali Vividh Karyakari)
 Sahakari Seva Society Ltd.,)
 Somantali, Tal : Phaltan, District Satara)

3. Hol Vividh Karyakari Sahakari)
 Seva Society Ltd.,)
 Hol, Tal : Phaltan, District Satara)

4. Upavale Vividh Karyakari Sahakari)
 Seva Society Ltd.,)
 Upavale, Tal : Phaltan, District Satara)

5. Adarki [Bk] Vividh Karyakari)
 Sahakari Seva Society Ltd.,)
 Adarki [Budruk], Tal : Phaltan,)
 District Satara)

6. Kambaleshwar Vividh Karyakari)
 Sahakri Seva Society Ltd.,)
 Kambaleshwar, Tal : Phaltan,)
 District Satara)

7. Taradgaon Vividh Karyakari)

Sahakari Seva Society Ltd.,)
Taradgaon, Tal : Phaltan, District Satara)

8. Jyotirling Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Pawarwadi, Tal : Phaltan, District Satara)

9. Jinti Vividh Karyakari Sahakari)
Seva Society Ltd., Jinti, Tal : Phaltan)
District Satara)

10. Murum Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Murum, Tal : Phaltan, District Satara)

11. Gokhale Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Gokhali , Tal : Phaltan, District Satara)

12. Malawadi Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Tal : Phaltan, District Satara)

13. Korhale-Waghoshi Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Waghoshi, Tal : Phaltan, District Satara)

14. Koregaon Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Koregaon, Tal : Phaltan, District Satara)

15. Adarki [Khurd] Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Adarki, Tal : Phaltan, District Satara)

16. Bhairavnath Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Gunaware, District Satara)

17. Sonawadi Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Sonawadi)

18. Bibi Vividh Karyakari Sahakari)
Seva Society Ltd.,)
Bibi, Tal : Phaltan, District Satara)

19. Nimbalak No.2 Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Nimbalak, Tal : Phaltan, District Satara)

20. Anand Vividh Karyakari Sahakari)
Seva Society Ltd.,)
Sherewadi, Tal : Phaltan, District Satara)

21. Songaon Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Songaon, Tal : Phaltan, District Satara)

22. Shree Hanuman Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Somanthali, Tal : Phaltan, District Satara)

23. Rajuri Vividh Karyakari)
Sahakari Seva Society Ltd.,)
Rajuri, Tal : Phaltan, District Satara)

..... Petitioners

VERSUS

1. State of Maharashtra)
[summons to be served on the Learned)
Additional Government Pleader appearing)
for State of Maharashtra under Order 27,))
Rule 4, of the Code of Civil Procedure,1908]

2. Shri Vilasrao Deshmukh,)
The Honourable Chief Minister, and the)
Honourable Minister for Co-operation)
Government of Maharashtra,)

Mantralaya, Mumbai 32)

**3. Shri S.S.Alias Chimanrao Kadam,)
Ex-M.L.A., Phaltan,)
Tal. Phaltan, District Satara)**

**4. Satara District Central Co-operative)
Bank Ltd., Satara, District Satara)**

**5. The Joint Secretary,)
Secretariate of the Honourable Chief)
Minister, Mantralaya, Mumbai 32)**

**6. The Commissioner [Co-operation])
and the Registrar of Co-operative Society)
Maharashtra State, Central Bldg.,)
Pune 411 001)**

**7. The District Dy.Registrar,)
Co-operative Societies, Satara,)
District Satara)**

**8. Bhairavnath VKS Society,)
Saswad, Tal : Phaltan, District Satara)**

..... Respondents

Mr.Abhay Anturkar for the Petitioners.

Mr.P.G.Sawant, A.G.P. for the Respondent nos. 1, 5 to 7.

Mr.Vijay Patil for the Respondent no.3.

Mr.P.D.Dalvi for the Respondent no.8.

**CORAM : A.S.OKA &
R.D. DHANUKA, JJ.**

DATE : 7th SEPTEMBER, 2016

ORAL JUDGMENT (PER A.S.OKA, J.)

By this PIL, the petitioners who are societies registered under the Maharashtra Co-operative Societies Act, 1960 (for short the said Act of 1960) have

taken exception to the directions issued by the 2nd respondent. The 2nd respondent at the relevant time was the Hon'ble the Chief Minister and Cabinet Minister of the Department of Co-operation. An application was made to the 2nd respondent (since deceased) on 8th March, 2000 by a member of the Maharashtra Legislative Assembly. A request was made to the 2nd respondent to issue directions to the District Deputy Registrar of Co-operative Societies, Satara to permit certain category of societies to open bank account and to register the said category of societies. On the said letter, the 2nd respondent passed an order "Please grant permission". The said order of the 2nd respondent was communicated by the Office of the Hon'ble the Chief Minister to the Commissioner of Co-operation and Registrar of Co-operative Societies, Maharashtra State. The contention raised in the petition is that the registration of societies which were registered on the basis of the said direction issued by the 2nd respondent is illegal.

2. The submission of the learned counsel appearing for the petitioners is that basically the letter was addressed to the Hon'ble the Chief Minister by the 3rd respondent, a member of the Maharashtra Legislative Assembly for securing registration of 15 societies. His submission is that the direction issued by the 2nd respondent is completely illegal. His submission is that registration of the 8th respondent deserves to be quashed and set aside. We have heard learned A.G.P. for the State who supported the directions issued by the 2nd respondent.

3. We have considered the submissions. We have perused the provisions of the said Act of 1960 and the Maharashtra Co-operative Societies Rules, 1961 (for short "the said Rules of 1961"). As far as the said Act of 1960 and the said Rules of 1961 are concerned, the same form a complete code. As far as registration of the societies is concerned, Chapter 2 of the said Act, 1960 deals with the

registration of different categories of societies under the said Act of 1960. Chapter 2 of the said Rules of 1961 contains elaborate procedure for the registration of societies. We find from the perusal of the said Act of 1960 and the said Rules of 1961, that no power has been conferred on the Hon'ble the Chief Minister or the Hon'ble Minister In-charge Department of Co-operation to direct that particular class of societies should be registered. Hence, the impugned direction issued by the second respondent is illegal.

4. As far as registration of 8th respondent is concerned, it is not possible for us to come to a conclusion that the registration of the said society was granted only on the basis of the said order which is subject matter of the challenge in the PIL and that otherwise the said respondent was not entitled to registration. Therefore in writ jurisdiction, we are unable to accede to the prayer for cancellation of the registration of the 8th respondent society.

5. As the impugned direction issued by the 2nd respondent on letter dated 8th March, 2000 is illegal, we dispose of the petition by passing following order :-

(1) We direct that every application made for registration of the society under the said Act 1960 shall be decided strictly in accordance with the said Act of 1960 and the said Rules of 1961. While considering applications for registration, the concerned authorities which are empowered to deal with the applications for registration shall ignore the direction issued by the 2nd respondent (Annexure C) to this petition as well as consequential direction issued by the Secretary to the Hon'ble the Chief Minister (Annexure A-4).

(2) The issue of legality and validity of registration of the 8th respondent is expressly kept open which can be agitated in appropriate proceedings.

(3) Rule is partly made absolute in the above terms.

(R.D.DHANUKA, J.)

(A.S.OKA, J.)