

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4154 OF 2014

(Chandrabhan Raghunathji Apturkar and another
vs.

Government of Maharashtra, thr. Divisional Jt. Registrar, Co-operative Societies, Nagpur & ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 27th JUNE, 2016.

Heard Shri S.K. Tambde, learned Advocate for the
petitioners and Shri H.R. Dhumale, learned Assistant
Government Pleader for respondent Nos.1 and 2.

The petitioners have challenged the order passed
by the Divisional Joint Registrar, Co-operative Societies,
Nagpur by which the appeal filed by the petitioners is
dismissed and the report submitted by the Authorised Officer
under Section 88 of the Maharashtra Co-operative Societies
Act, 1960 holding the petitioners liable for the illegalities and
misappropriation, is maintained.

The submission of the petitioners is that the
Authorised Officer has not granted proper opportunity to the
petitioners to defend themselves and the provisions of Rule 72
of the Maharashtra Co-operative Societies Rules, 1961 have
not been followed.

In the penultimate paragraph of the report submitted by the Authorised Officer on 20/02/2013, it is recorded that the petitioner No.1 had submitted a stamp paper with a notarised statement that he was responsible for the illegalities and misappropriation.

The petitioner No.1 raised the dispute before the Authorized Officer during the enquiry that the statement on stamp paper dated 25/05/2009 was not submitted of his volition, but the other Directors of the Society had obtained it from him under coercion.

The petitioner No.1 has not been able to point out that he had lodged any police complaint or had taken any legal action against the other Directors.

It is undisputed that the petitioners had not given any reply to the 'show cause notice'. The facts on record show that the petitioners participated in the enquiry, however, they have not taken any positive steps to lead evidence.

In the above facts, I am not inclined to consider the challenges raised on behalf of the petitioners which are basically on technical grounds. The petition is dismissed with costs quantified at Rs.50,000/- (Rupees Fifty Thousand) to be paid equally by the petitioners to respondent No.1 within two months.

At this stage, the learned Advocate for the petitioners has requested for keeping this order in abeyance to enable the petitioners to take appropriate steps in the matter.

The order passed by this Court does not have any immediate adverse repercussions on the petitioners and therefore, the request made on behalf of the petitioners is rejected.

**Civil Application [CAW] No.485/2016 and
Civil Application [CAW] No.974/2016 :**

In view of disposal of the writ petition, the civil applications have become infructuous. The same are disposed accordingly.

JUDGE

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