

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

237 WRIT PETITION NO. 3802 OF 1995

AMBIKA SAHAKARI DOODH, VYAVSAIK SANSTHA LTD. AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. A. V. Hon, h/f Mr. V. D. Hon.

AGP for Respondents: Mr. P. N. Kutti.

Advocate for Respondent No.3 : Mr. N B Suryawanshi.

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CORAM : **V. K. JADHAV, J.**

DATE : 21st December, 2017.

P.C.:

. The Petitioners are the Dairy Co-operative Societies registered under the Maharashtra Co-operative Societies Act, 1960. There are as many as six societies, which are registered and doing the activities of collecting the milk at Deshmukhwadi, which is a small village having population of one thousand approximately. It is for Respondent No.2 to get satisfied before granting the permission to open dairy society in Ahmednagar District for collection of milk and opening the bank account and registration of the societies. In the facts and circumstances of the case, Respondent No.2 has issued notice to Respondent No.3 / proposed society by relaxing the conditions prescribed under the Government Circular dated 2nd April, 1993. It appears that Respondent No.3 / dairy society, which is now the 7th

society operating in the said area of operation i.e. Deshmukhwadi wherein already six dairy societies are doing the activity of collecting the milk.

2 It appears that as per the communication dated 26th July, 1995, which is under challenged in this writ petition, Respondent No.2 has directed the present Petitioners and other societies to remain present for hearing since Respondent No.3 / society has filed an application seeking permission to open the bank account and for permission to open said society in the aforesaid area of village Deshmukhwadi.

3 It further appears that due to efflux of time the cause for filing this writ petition has been rendered infructuous. At present even more than seven societies must be operating in village Deshmukhwadi because the population of village Deshmukhwadi has also been increased.

4 In view of the above, the writ petition is disposed of as infructuous. No costs. Rule discharged.

[V. K. JADHAV, J.]