

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4210 OF 1994

Gorakshanath Dudh Utpadak
Sahakari Sanstha Limited, Wangaon.
Through its Chairman,
Prabhakar S/o. Yadavrao Jogdand,
Age. Major, R/o. Wangaon,
Taluka and District Beed.

...Petitioner.

Versus

1. The State of Maharashtra.
 2. The Assistant Registrar,
Cooperative Societies (Milk),
Beed.
 3. The Divisional Deputy Registrar
Co-operative Societies (Dairy),
Aurangabad.
 4. Joint Registrar Cooperative
Societies (D.D.),
Maharashtra State,
Bombay.
 5. Jaybhavani Dudh Utpadak Sahakari
Sanstha Ltd. Wangaon,
Tq. And District Beed.
Through its Chairman.
 6. Mahesh Mahila Dudh Vyavasaik
Sahakari Sanstha Ltd. Wangaon,
Through its Chief Promoter.
- ...Respondents.

Advocate for Petitioner : Shri V.D. Salunke.

AGP for Respondent No. 1 to 4 : Shri S.P. Deshmukh.

CORAM : RAVINDRA V. GHUGE, J.

Dated : 03rd August, 2017

ORAL JUDGEMENT :

1. The petitioner/society is aggrieved by the order dated 08/09/1994, passed by the Joint Registrar, Co-operative Societies (Dairy Development), Maharashtra.

2. I have considered the strenuous submissions of Shri Salunke, learned advocate for the petitioner and the learned AGP appearing on behalf of respondent Nos. 1 to 4. Though, respondent No. 5 and 6 - societies have been served with Court notice, they have chosen not to enter an appearance, either through an advocate or in-person.

3. Upon considering the submissions of the learned advocates, I find that the State Government has introduced a Resolution (GR) dated 02/04/1993, through the Department of Animal Husbandry, Dairy Development and Fisheries, by which,

two milk societies can be registered for collection of milk in a given area. If the milk collection is more than 800 liters per day and on an average two societies collect 400 liters of milk per day, the department can consider registering a third society. Certain special circumstances can also be taken into account while granting such a permission. The parameters for registering the third society have been mentioned in the said GR. This indicates that registration of a third society is not prohibited.

4. Mahesh Mahila Dudh Vyavasaik Sahakari Sanstha Limited (in short the proposed society) had applied for a permission for registration. A permission to open a Bank account and to collect milk was granted on 13/12/1993, subject to the registration of the proposed society. The petitioner being aggrieved by the same had approached the Divisional Deputy Registrar Co-operative Societies (Dairy) by preferring an appeal under Section 152 of the M.C.S. Act, 1960. By order dated 04/05/1994, the said appeal was allowed and the order of the Assistant Register dated 13/12/1993, was set aside.

5. The proposed society approached the Joint Registrar by Revision No. 32/1994 under Section 154. By order dated 08/09/1994, the said revision was allowed. The order of the Assistant Registrar was sustained and the said authority was directed to consider the proposal of the proposed society as per the GR dated 17/06/1992, and after verification, take a decision regarding the registration of the proposed society. The said order is under challenge.

6. It appears from the record that the enquiry report dated 13/10/1993, concerning the said village Wangaon mentions that the average total milk production in the said village is about 920 litres per day. The petitioner/society collects about 500 litres per day and the second society collects about 250 litres per day. There was scope for collection of about 150 or more litres of milk per day.

7. It cannot be ignored that the proposed society comprises of only women members. Considering that women were the exclusive members of the said society, the competent authority

has considered the proposal for starting the third society as it would lead to encouraging the lady members to enter the field of co-operation and business. I do not find that the said object could be termed as being perverse. If the said society which comprises of lady members is granted an opportunity, it might develop into a society which would conduct its business and encourage entrepreneurship amongst the lady members. The Joint Registrar, while passing the impugned order has taken care of directing the Assistant Registrar (Dairy), to verify the proposed society while granting registration.

8. I, therefore, do not find that the impugned order could be termed as being perverse or erroneous or is likely to cause gross injustice to the petitioner. Keeping in view the law laid down by the Hon'ble Apex Court in the matter of Syed Yaqub Versus K.S. Radha Krishna (AIR 1964 SC 477) and Surya Dev Rai Versus Ram Chandan Rai [(2003) 6 SCC 682], this petition being devoid of merit, is therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

S.P.C.