

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

WRIT PETITION NO.2691 OF 2017

1. Krushidhan Dhanya Adhikosh
Seva Sahakari Sanstha Ltd., Tadkalas,
Tq. Purna, District Parbhani,
through its Chairman,
Chandrakant s/o Kisanrao Rudrawar
Age 58 years, Occ. Agri.,
R/o At Post Tadkalas, Tq. Purna,
District Parbhani
 2. Late Ramrao Patil Dhanya Adhikosh
Seva Sahakari Sanstha Ltd., Tadkalas,
Tq. Purna, District Parbhani,
through its Chairman,
Shivajirao s/o Ramrao Ambore,
Age 57 years, Occ. Agri.
R/o At Post Tadkalas, Tq. Purna,
District Parbhani
 3. Krushi Mitra Shetkari Dhanya Adhikosh
Sahakari Sanstha Ltd., Dhanora (Kale),
Tq. Purna, District Parbhani
through its Chairman,
Udhavrao s/o Ramrao Kale,
Age 45 years, Occ. Agri.
R/o At Post Dhanora (Kale), Tq. Purna,
District Parbhani
 4. Deothana Shetkari Dhanya Adhikosh
Seva Sahakari Sanstha Ltd., Deothana,
Tq. Purna, District Parbhani,
through its Chairman
Vasant s/o Gyandeo Jogdand,
Age 35 years, Occ. Agri.
R/o Deothana, Post Wajur,
Tq. Purna, District Parbhani
- ... PETITIONERS

VERSUS

1. The State of Maharashtra
through Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai
(Copy to be served on Govt. Pleader,
High Court of Bombay,
Bench at Aurangabad)
2. The District Deputy Registrar,
Co-operative Societies,
Parbhani, Taluka and
District Parbhani.
3. The Assistant Registrar,
Co-operative Societies,
Purna, Tq. Purna, Dist. Parbhani
4. The Agricultural Produce Market
Committee, Tadkalast, Tq. Purna,
District Parbhani,
through its Secretary. ... RESPONDENTS

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Shri R.N. Dhorde, Senior Counsel with
Shri V.R. Dhorde, Advocate for petitioners
Shri A.V. Deshmukh, A.G.P. for State
Advocate for respondent No.

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CORAM: S. B. SHUKRE, J.

DATED: 3rd March, 2017.

ORAL JUDGMENT :

1. Heard Mr. R.N. Dhorde, learned Senior Counsel for
the petitioners and learned A.G.P. for respondent Nos.1 to 3.
Respondent No.4 has been issued notice for final disposal and
though has been shown to be in "await service", as per the

affidavit filed by the petitioners, one can see that respondent No.4 has been duly served. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. Learned A.G.P. has expressed doubt about the status of the petitioner No.4 Society being an objector in this case. According to him, it does not become clear from the impugned order as to whether or not petitioner No.4 had really taken any objection against non-inclusion of its name in the final voters list. Learned Senior Counsel submits that, the impugned order is clear enough and although it states that name of petitioner No.4 Society, along with Chairman, the fact remains that it is the same society which had taken objection. He also points out that the registration certificate of the Society is very much on record and it would also show that the petitioner No.4 is the same society.

3. In the case of Pimpla Lokhande Shetkari Dhanya Adhokosh Seva Sahakari Sanstha Ltd. & others Vs. The State of Maharashtra & others (Writ Petition No.1669/2017), decided on 21/2/2017, this Court has taken a view that, Section 13(1)(a)(i) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 expressly confers a voting right upon a

Multipurpose Co-operative Society in its own right and independently of a credit co-operative society. These petitioners have been denied their voting right only on the ground that although they are multipurpose co-operative societies, they are not functioning as credit societies as well. Therefore, the case of the petitioner Societies, one must say, is squarely covered by the view taken by this Court in the aforesaid judgment. Accordingly, this Writ Petition deserves to be allowed.

4. The Writ Petition is allowed. The impugned order is hereby quashed and set aside. The names of the petitioner Societies be included in the final voters list, after verifying that they are the same societies, who had taken objection earlier.

5. Rule is made absolute in above terms. No costs.

6. Learned A.G.P. to intimate the respondent No.2 accordingly at the earliest.

7. Authenticated copy of this order be furnished to both sides.

(S. B. SHUKRE)
JUDGE

fmp/wp2691.17