

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8028 OF 2017

Latur District Sugar Labour Union,
Branch Nalegaon, Tq. Chakur, Dist. Latur

.. Petitioner

VS.

The State of Maharashtra and others

.. Respondents

Mr. N.P. Patil Jamalpurkar, Advocate for the petitioner
Mr. S.G. Karlekar, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 20-06-2017

ORAL ORDER :

1. Argument of the petitioner's Advocate is that the labour union complained that though the Liquidator has powers under section 105(1) of the Maharashtra Co-operative Societies Act, 1960, to sell immovable and movable property and actionable claims of the society by public auction or private contract, with power to transfer the whole or part thereof to any person or body corporate, or sell the same in parcels, still, this power cannot be exercised by the Liquidator on his own. This power has to be exercised subject to the rules and the general supervision, control and direction of the Registrar.

2. The further argument is that the Registrar in this case is the Commissioner of Sugar or the Regional Director having his office at Nanded. Both the authorities have allegedly turned a blind eye to the act of the Liquidator and then colluded with him in allowing lifting and taking away excess sugar from the godown. The case is that the workers were prevented from entering the godown premises and the presence of the Police force therefore deterred them. Hence, their complaint is legitimate.

3. It is further urged that if the authority, namely, the Liquidator has disposed of these assets to the respondent no.6 to this Writ Petition, yet, that entity could not have lifted and taken away the stock in excess of the contract and at less than the contracted price, then, these are gross illegalities and not mere irregularities in the transaction. Hence, it was incumbent upon the authorities to take note of the petitioner's grievance. Ultimately, the assets have to be disposed of to meet the liabilities of the society and one of which is the dues of the workmen. Hence, this Court's intervention is necessary.

4. After having heard Shri Patil, learned counsel for the petitioner at some length, we find that the representation was addressed by the labour union without in any manner stating how the labour union has any locus in matter of liquidation of the co-operative society. Still, it

would be better if the Commissioner of Sugar or his delegate – Regional Director looks into the grievance made by the petitioner about lifting of excess stock of sugar and disposal thereof in the market. He can also give suitable directions to the Liquidator in the event there is any irregularity or illegality in the transaction.

5. We therefore direct this authority to consider this Petition together with its annexures as the Representation of the petitioner and take a decision thereon as expeditiously as possible and within a period of four (4) weeks from today.

6. Writ Petition is disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/