

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 524 OF 2016

1. Shri Rudresh S. Prabhu,
major of age, Chairman,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Nirankal, Ponda, Goa.
2. Shri Rajesh K. Desai,
major of age, Vice-Chairman,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Apewal, Ponda, Goa.
3. Shri Bal A. Sahakari,
major of age, Secretary
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Curti, Ponda, Goa.
4. Dr. K. Bakhale,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Curti, Ponda, Goa.
5. Shri M. A. Sahakari,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Curti, Ponda, Goa.
6. Shri Vikas A. Prabhu,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Nirankal, Ponda, Goa.
7. Shri Girish M. Tendulkar,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,

Dabal, Ponda, Goa.

8. Shri Tulshidas M. Prabhu,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Usgao, Ponda, Goa.
9. Shri Devidas L. Ghate,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Kandepar, Ponda, Goa.
10. Shri Ranganath Satardekar,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Curti, Ponda, Goa.
11. Shri Santosh Prabhudesai,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Ponda, Goa.
12. Smt. Kanchan D. Ghate,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Khandepar, Ponda, Goa.
13. The Bagayatdar Urban
Co-op Credit Society Ltd,
through its Secretary,
Mr. Bal Sahakari, major,
having its office at Ponda, Goa.

... Petitioners

V e r s u s

1. The Assistant Registrar of
Co-op Societies, Ponda Zone,
Department of Co-operation,
Government of Goa, Ponda,
Goa.

2. Shri Narayan B. Borkar,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Curti, Ponda, Goa.
3. Shri Ravindra Verenkar,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd.,
Mollem, Ponda, Goa.
4. Shri Shivdas A. S. Verenkar,
major of age, Director,
The Bagayatdar Urban
Co-op Credit Society Ltd,
Ponda, Goa.
5. State of Goa,
by its Chief Secretary,
Secretariat, Porvorim, Goa.
6. Registrar of Co-operative Societies,
Department of Co-operation,
Government of Goa,
Sahakar Sakul, Patto,
Panaji, Goa.
7. Shri Mahadev Naik,
Hon'ble Minister for Co-operation,
Government of Goa, Secretariat,
Porvorim, Goa.

... Respondents

Mr. A. F. Diniz, Advocate for the Petitioners.

Mr. S. D. Lotlikar, Advocate General with Mr. V. Sardessai, Addl. Government
Advocate for the Respondent nos. 1 to 3.

Coram :- **F. M. REIS,**
NUTAN D. SARDESSAI, JJ.
Date : **10th January, 2017**

ORAL JUDGMENT

Heard Mr. A. F. Diniz, learned Counsel appearing for the Petitioners and Mr. S D. Lotlikar, learned Advocate General appearing for the Respondent nos. 1 to 3.

2. The above Petition was heard at length and after hearing the matter, it was pointed out by Mr. S. D. Lotlikar, learned Advocate General, that in case the Petitioners withdraw their challenge to the constitutional validity of the provisions of Section 61 and 66 of the State Co-operative Societies Act 2001, the Respondents are inclined to withdraw the subject show cause notice dated 07.04.2016 and proceed to issue a fresh show cause notice to all the concerned parties and take a fresh decision in accordance with law as it was contended by the Petitioners that they were not duly served nor given an adequate hearing on the subject show cause notice.

3. Mr. A. F. Diniz, learned Counsel appearing for the Petitioners, upon instructions, seeks leave to withdraw the challenge to the constitutional validity of the provisions of Section 61 and 66 of the State Co-operative Societies Act 2001.

4. In view of the above, the following Order is passed by consent :

ORDER

(i) The impugned Order dated 03.05.2016 as well as the show cause notice dated 07.04.2016 are quashed and set aside.

(ii) The Respondents, if so advised, are at liberty to issue a fresh show cause notice to all the concerned parties and proceed to take a fresh decision after hearing the parties in accordance with law.

(iii) All the contentions of both the parties on merits are left open.

(iv) Rule stands disposed of in the above terms.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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