

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 741 OF 2017**

Shri Huseni Rajebhau Ndaf & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION ST. NO.1688 OF 2017**

Shri Santosh Shahaji Gaikwad & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION ST. NO.1689 OF 2017**

Shri Bhosale Nyanrao Jalindra & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION ST. NO.1692 OF 2017**

Shri Dattatraya Jagannath Gund & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**Mr. G. S. Godbole a/w Ms Shivani Samel i/b Ms Ulka Sarangjame for the
Petitioners**

**Mr. P. K. Dhakephalkar Senior Advocate, a/w Mr. S. D. Rayrikar AGP for
the Respondents**

**WITH
WRIT PETITION ST. NO.1662 OF 2017**

Shri Nagnath Vasant Vankar & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION NO.745 OF 2017**

Shri Chandrahas Maruti Pawar & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION NO.746 OF 2017**

Shri Ganpat Shankar Nikam & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION ST. NO.1658 OF 2017**

Shri Brihaspati Nagnath Pawar & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**Mr. G. S. Godbole a/w Mr. Akshay Petkar for the Petitioners
Mr. P. K. Dhakephalkar Senior Advocate, a/w Mr. S. L. Babar AGP for the
Respondents**

**WITH
WRIT PETITION ST. NO.1683 OF 2017**

Shri Ashok Govindrao Patil & Ors

..Petitioners

Vs.

**The Divisional Joint Registrar
Co-operative Societies & Anr.**

..Respondents

**WITH
WRIT PETITION ST. NO.1684 OF 2017**

Shri Shrikant Bharat Bandgar & Ors

..Petitioners

Vs.

The Divisional Joint Registrar

Co-operative Societies & Anr.

..Respondents

WITH

WRIT PETITION ST. NO.1693 OF 2017

Shri Shrirang Subhash Pawar & Ors

..Petitioners

Vs.

The Divisional Joint Registrar

Co-operative Societies & Anr.

..Respondents

WITH

WRIT PETITION ST. NO.1694 OF 2017

Shri Dnyaneshwar Babruvan Shirsat & Ors

..Petitioners

Vs.

The Divisional Joint Registrar

Co-operative Societies & Anr.

..Respondents

Mr. G. S. Godbole a/w Mr. A. A. Dandekar for the Petitioners

Mr. P. K. Dhakephalkar Senior Advocate, a/w Mr. S. L. Babar AGP for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 19th JANUARY, 2017

P.C.

1 The Petitioners have invoked the Writ Jurisdiction of this Court in view of the fact that the stay applications filed by them have not been taken up for consideration by the Divisional Joint Registrar, Pune. The Petitioners are the Managing Committee members of various Vividh Karyakari Societies (Multipurpose Societies), the societies are the members of the Agricultural Produce Market Committee, Solapur (for short APMC Solapur). The Petitioners as members of the Managing Committee of the said Vividh

Karyakari Societies are entitled to participate in the electoral process of the APMC Solapur. In furtherance of holding elections to the APMC Solapur a provisional list of voters was published on 16-12-2016 and the preliminary programme in respect of the said election stipulated the time within which the objections to the provisional list were to be taken. The names of the Petitioners appear in the said provisional list of voters. The Assistant Registrar, Co-operative Societies has disqualified the Petitioners in the above Petitions totally 54 in number under Section 73-CA(A-1)(i)(iv) and has passed a composite order under the said provision as also Section 78A(i)(b) of the Maharashtra Co-operative Societies Act. The effect of the said order is that the Petitioners stand removed as the members of the Managing Committee of their respective societies.

2 Against the said orders dated 6-1-2017, 7-1-2017 and 11-1-2017, the Petitioners have it seems filed composite Revision Applications under Section 154 of the said Act, impugning the said decisions dated 6-1-2017, 7-1-2017 and 11-1-2017. The Petitioners had also moved the applications for stay in the said Revision Applications. However, it is the case of the Petitioners that they have not been considered.

3 The Learned Counsel Mr. Godbole appearing for the Petitioners would contend that the invocation of the said provision and the removal of the

Petitioners under Section 78A(1-b) could not have been done as the said provisions could not have been invoked in the present cases. It was the submission of the Learned Counsel that having regard to the said legal position, the Petitioners have sanguine hope of succeeding in the Revision Applications.

4 Per contra the Learned Senior Counsel Mr. Dhakephalkar appearing on behalf of the Respondents would without going into the merits of the contentions raised by the Learned Counsel for the Petitioner would submit that the Revision Applications filed on behalf of the Petitioners can be directed to be disposed of within a particular time frame.

5 It seems that the decision either on the Stay Applications or in the Revision Applications assume importance for the Petitioners, in so far as their participation in the electoral process of the APMC is concerned. Hence the following directions :

(i) The Revisionary Authority i.e. the Divisional Joint Registrar, Pune is directed to hear and decide the Stay Applications filed by the Petitioners expeditiously and latest by 7-2-2017 as the notice in the Revision Applications is made returnable on 1-2-2017.

(ii) Since the only Respondent in the Revision Application is the Assistant Registrar, it is expected that the Petitioners through their Advocate and the

Assistant Registrar would be to present themselves before the Divisional Joint Registrar on 1-2-2017.

(iii) It would also be open for the Divisional Joint Registrar to decide the Revision Applications themselves by 7-2-2017. Needless to state that the contentions of the Petitioners are kept open for being urged before the Divisional Joint Registrar who would be well advised to deal with the contentions raised before him and pass a speaking order.

6 With the aforesaid directions the Writ Petitions are disposed of.

7 The parties to act upon an ordinary copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]