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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 174 OF 2016

Mr. Dnyaneshwar Vishwanath Jadhav. ... Petitioner.

V/s.

Mr. Sharad Dattatraya Jadhav & Ors. ... Respondents.

Mr. S.B. Deshmukh for the Petitioner.

Mr. V.N. Sagare, AGP for the State.

Mr. Sanjiv Sawant for Respondent No.10.

***CORAM : DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.***

DATE : SEPTEMBER 18, 2017.

P.C. :-

Heard learned Counsel for the Petitioner as well as the Respondents.

2. The Petitioner claiming to be a socially spirited citizen engaged in several social welfare activities is before this Court complaining that the society which is known as Shri Shrimant

Majoor Sanstha Dharangaon (Khadak), Niphad Taluka of Nashik District is formed by the members of same family and even the age of the Respondents is declared falsely. According to the Petitioner, all details with regard to income of the members of the society and other details were wrongly furnished. According to the Petitioner, a complaint came to be lodged on 5 May 2015 to the District Assistant Registrar, Co-operative Societies, Nashik which came to be forwarded to the Assistant Registrar, Co-operative Societies. Based on that complaint, a notice was given to the Chairman and Secretary of the said society and reply of the Chairman of the said society also came to be made. One Mr. S.S. Gangurde was appointed to inspect the said society and submit a report. According to the Petitioner, on perusal of the material obtained under the Right to Information Act, he came to know various illegalities and fraudulent activities committed by Respondent Nos. 1 to 10. He has approached this Court seeking logical conclusion of the said enquiry initiated against the Respondents.

3. After service of notice, Respondent No. 11 appeared through an Advocate and filed an affidavit-in-reply contending that the present petition is motivated since father of the Petitioner lost election against Respondent No. 10 so far as Dharangaon Khadak Vividh Karyakari Sahakari Sanstha Maryadit for the years 2015-16 to 2020-21. According to Respondent No. 11,

after losing the election, the father of the Petitioner is bent upon troubling the Respondents and they keep on lodging one after another complaint against Respondent Nos.1 to 10 and the society.

4. Be that as it may, in terms of affidavit in reply of the State which is filed as an additional affidavit, we note that on the report of the Assistant Registrar, Co-operative Societies, the Divisional Joint Registrar, Nasik Division, after hearing the parties passed a reasoned order on 28 December 2016 and ultimately de-registered the above said society which was registered on 8 January 2003. So far as the activities of the Co-operative Societies are concerned, now the matter is pending in the revision before the Joint Registrar, Co-operative Societies, Nasik Division, wherein the legality and propriety of the order appointing one Mr. Gangurde as an Inquiry Officer came to be challenged. Apparently, in the month of December 2016, notice was issued to the Respondents in the revision and the matter is pending before the Divisional Joint Registrar, Co-operative Societies, Nasik Division. The present Public Interest Litigation is initiated in the month of June 2016. By that time, an Inquiry Officer was appointed and even the report was submitted.

5. In the light of the proceedings before the concerned authorities ending with de-registration of the society, we are of the

opinion that nothing can be done in the present petition except opining that the Divisional Authority shall dispose of the matter in accordance with the procedure contemplated. We make it clear that we are not expressing any opinion so far as the validity of the report of the Inquiry Officer or the orders de-registering the society is concerned.

6. With the above observations, the Public Interest Litigation is disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE