

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
PUBLIC INTEREST LITIGATION NO.17 OF 2017

Iqbal H. Shaikh and Others. .. Petitioners
Vs
Union of India and Others. .. Respondents

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Shri P.K. Dhakephalkar, Senior Advocate along with Shri Shukla Devmani for the Petitioners.

Mrs. S.V.Bharucha along with Shri Mohamedali Chunawala for Respondent Nos.1 to 3.

Shri A.Y. Sakhare, Senior Advocate along with Shri Joel Carlos i/b Shri Suhail Khan for Respondent No.6.

Shri D.D. Madon, Senior Advocate along with Shri N.V.Gangal i/b Ms. Namita Mistry for Respondent Nos.7 to 10.

Shri Vikas Mali, AGP for State.
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CORAM : DR.MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.

DATED : 21ST SEPTEMBER 2017

PC:-

1. This PIL points finger at the day to day administration of Respondent No.6 - Bombay Mercantile Co-op. Bank Ltd. under the present leadership of Respondent No.7 as the Chairman of Respondent No.6- Bank. The Petitioner No.1 – Mr. Iqbal H. Shaikh, who claims to be a shareholder of Respondent No.6 Bank, is the whistle blower. The Petitioner No.2 was an ex-employee of Respondent No.6 Bank. The Petitioner No.3, who is a businessman and social activist, had filed

nomination for election of Board of Respondent No.6 Bank but the same was rejected.

2. The main grievance of the Petitioners seems to be that the rules and regulations in so far as the appointment of Managing Director of the Bank were totally violated and on 12th August 2014, a meeting of the Board of Directors came to be conveyed and inspite of two Directors of the said Bank raising several objections, the proceedings were held. In any PIL, it is expected that the cause or the grievance has to be brought to the concerned authority for considering the grievance if it is genuine and taking action accordingly adhering to the procedure contemplated. According to the Petitioner No.1, he made several representations which are at pages 106 onwards of the Petition, alleging the breach of trust by the Chairman and other Directors of Respondent No.6 Bank, but no action whatsoever was taken by the Central Registrar of Co-operative Societies or other Authorities working under the Central Registrar of Co-operative Societies. Unfortunately, though Respondent No.3 Department of Agriculture, Cooperation and Farmers Welfare, Krishi Bhawan, New Delhi is made a party under whom the Central Registrar of Co-operative Societies is appointed, the Central Registrar of Co-operative Societies is not yet impleaded as a party.

3. Under these circumstances, we direct the third Respondent- Ministry of Agriculture and Farmers Welfare, Department of Agriculture, Cooperation and Farmers Welfare, Krishi Bhawan, New Delhi to direct the Central Registrar of Co-operative Societies to consider the representations made by the Petitioners and take a decision thereon strictly in accordance with the procedure contemplated within three months. For the sake of convenience and brevity, we direct the Petitioners to furnish copies of all the representations made by them to Central Registrar of Co-operative Societies within one month from today and the same shall be considered and disposed of by the Central Registrar of Co-operative Societies at the instance of Respondent No.3 within three months thereafter.

4. All contentions are kept open. We have not expressed any opinion on any of the controversies raised before this Court and the Central Registrar of Cooperative Societies or any one on his behalf to whom the powers are delegated shall not be influenced by the observations made in this order.

5. With the above direction, the PIL is disposed of.