

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

WRIT PETITION (ST.) NO.35327 OF 2017

Sandeep Kisanrao Jathar & Anr. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.V.S. Kapse with Mr.Upendra Mahadik i/by M/s.Fast-Track Legal for the petitioner.

Mr.S.D.Rayrikar, AGP for the respondent nos.1 to 4-State.

Mr.Pankaj Thatte a/w Mr.Deven Bonde for the respondent nos.5 to 9.

CORAM : R.D. DHANUKA, J.

DATE : 20th December 2017

P.C.:

. Leave to amend is granted to the petitioner to implead Mr.Narayan P. Parab as respondent no.11 to the petition. Amendment to be carried out forthwith. Reverification is dispensed with.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the learned Co-operative Minister dated 28th November 2017 under Section 154 of the Maharashtra Co-operative Societies Act, 1960 allowing the revision application filed by the respondent nos.5 to 9. By the impugned order, the learned Co-operative Minister has set aside the order passed by the Divisional Joint Registrar on 16th June 2016 under Section 152 of the Maharashtra Co-operative Societies Act, 1960 and order passed by the Deputy Registrar on 4th October 2016 under Section 79A(3) of the Maharashtra Co-operative Societies Act, 1960.

2. Heard learned counsel for the parties. It is not in dispute that

a fresh election of managing committee of the respondent is already due. The impugned orders passed by the Deputy Registrar on 4th October 2016 and by the Divisional Joint Registrar on 16th June 2016 are already set aside by the learned Co-operative Minister on 28th November 2017 which order is impugned in this petition.

3. Without going into the merits of the matter, it would be in the interest of justice, if the erstwhile committee is directed to hold fresh election of the respondent no.5-society on or before 31st March 2018. Such election shall be conducted in accordance with the provisions of the Maharashtra Co-operative Societies Act, 1960 read with Rules. All contentions of both the parties raised in the petition are kept open.

4. The erstwhile committee would continue to exercise their powers as the managing committee. The managing committee however shall not take any policy decision during this period. The Administrator (respondent no.10) who has taken charge of the management of the respondent no.5-society shall hand over the charge to the respondent nos.6 to 9 and 11 forthwith. It is made clear that no further extension would be granted for conducting election to the managing committee of the respondent no.5.

5. Writ petition is disposed of in aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.