

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4561 OF 1995

SHRIKRUSHNA SAHAKARI DUDH UTPADAK SASTHA LTD.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Advocate for Petitioner : Mr. V. P. Latange
AGP for Respondent Nos. 1 to 3: Mr. S.N. Kendre
Advocate for Respondent No.4 : Mr. A.V. Hon

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CORAM : V. K. JADHAV, J.
DATED : 11th JANUARY, 2018

PER COURT:-

1. In terms of Government Resolution dated 2.4.1993 certain norms are prescribed for registration of dairy societies. On 19.10.1993, respondent No.4 herein had submitted its proposal for registration of 4th Dairy society at village Nimgaon Gangarda, Tq. Karjat, District Ahmednagar. In the year 1993 itself, respondent No.1 had forwarded the said proposal to respondent No.3 and in the month of November, 1993, respondent No.3 had appointed surveyor for submission of report about the said proposal. Respondent No.1 instead of rejecting the proposal, relaxed the conditions as stated in para 5 of the Government Resolution dated 2.4.1993 by issuing a letter. Furthermore, on 30.6.1995, the respondents had issued another letter directing respondent No.2 to proceed with the proposal in accordance with the Government Resolution dated 2.4.1993. By

the impugned order dated 12.7.1995, the respondent No.2 granted permission to respondent No.4 to collect the milk and open the bank account ignoring the Government letter.

2. Learned counsel for the petitioner as well as the learned counsel for respondent No.4 submits that they have no further instructions in this matter from their respective clients in respect of present status of respondent No.4 society. However, it appears from the record that this court by order dated 25.09.1995 granted interim relief to the effect that if the proposed society respondent No.4 is not registered, registration should not be granted until further orders.

3. If the society is registered before passing of the interim order, after long passage of time, there is no point in disturbing the registration of the said society. Moreover, the conditions as laid down in the said G.R. dated 2.4.1993 are also meaningless in the year 2017-2018 compared to the date on which the dispute arose. Certain conditions are embodied by way of G.R. dated 2.4.1993 so as to curtail unhealthy competition amongst the societies in the village where the population is less compared to the year 1993. Now the population of that village must have been more than what the Government Resolution expects and during the period from 1993 to 2017-2018 the more societies must have been registered in the

village.

4. Since both the counsel, as aforesaid, submit that they have no instructions about the present status of respondent No.4 society, in that event if the registration is not granted to respondent No.4 society, in terms of interim order passed by this court and even if the respondent No.4 society had been registered before passing of the interim order, due to passage of time, this writ petition has been rendered infructuous. Writ petition is disposed of as infructuous. Rule discharge.

(V. K. JADHAV, J.)

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