

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1944 OF 1998

BHOKARDAN TALUKA KHAREDI VIKRI SANGH LIMITED.
VERSUS
DISTRICT DEPUTY REGISTRAR, COOPERATIVE SOCIETIES, JALNA AND
OTHERS

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Advocate for the Petitioner : Shri V D Salunke.
AGP for Respondents 1 to 5 : Shri S.K.Tambe.
Advocate for Respondent 6 : Shri Ajinkya Deshmukh h/f Shri A.V.Hon.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th March, 2018

Per Court:

1 Shri Salunke, learned Advocate for the Petitioner, submits on instructions that while filing this petition, erroneously the name of the then Chairman was shown in the cause title. It is the Cooperative Society, which is before this Court against the impugned order dated 29.11.1997 passed by the Honourable Minister for State for Cooperation. The Society had appeared through the Chairman and as such, the passing away of Shri Bhaurao Danve, the then Chairman, would not abate this petition. He seeks leave to correct.

2 Considering the above, leave to correct the cause title of the Petitioner so as to show the Society as the Petitioner through it's

Chairman, is granted. Correction be carried out forthwith.

3 The Petitioner Society has assailed the impugned order by which, the appointment of the Liquidator on the Petitioner Society is confirmed by the Honourable Minister. While admitting the Writ Petition on 18.01.1999, after hearing the parties, the interim relief in terms of prayer clause (D) was granted and consequentially, the impugned judgment dated 29.11.1997 has been stayed.

4 By order dated 24.11.2000 passed by this Court in Civil Application Nos.1823/1999 and 2657/2000, the Managing Committee of the Petitioner Society was permitted to take charge of the Society and both these Civil Applications were allowed.

5 The learned Advocate for Respondent No.6 submits, on instructions, that owing to the interim orders of this Court, no liquidator took charge and ever since, the Managing Committee has been conducting the affairs of the Petitioner Society. There were three elections that were held after the interim orders of this Court.

6 The learned Advocates for the Petitioner and Respondent No.6, therefore, submit that no purpose would be served in going into the legality of the impugned order keeping in view that the impugned order has been stayed for 20 years.

7 Despite service of court notice, none appears for Respondent No.7.

8 The learned AGP appearing on behalf of Respondent Nos.1 to 5 submits that the appointment of the Liquidator need not be interfered with. He further submits that merely because this Court has stayed the order of appointment of the Liquidator, which is in operation for the last 20 years, would not mean that the concerned Department of the State would not be entitled to scrutinize the functioning of the Society.

9 I find that in the fact situation as it existed in 1996-1997, the State Government had initiated the action of appointing the Liquidator on the Petitioner Society. It is alleged that as Respondent No.7 was a sitting MLA, Respondent No.6 was instrumental in the appointment of the Liquidator.

10 The situation as it stood in 1996-1997 must have obviously changed in the last about 21 years. No purpose would be served in scrutinizing the order of the appointment of the Liquidator after a span of two decades. Instead this petition can be disposed of by setting aside the impugned order and keeping it open to the competent Department of the State to scrutinize the functioning of the Petitioner Society and if found necessary, they may resort to such remedies, as may be permissible in law.

11 As such, this Writ Petition is partly allowed in terms of the interim relief granted by this Court and prayer clause (C). The impugned order dated 29.11.1997 passed by the Honourable Minister is quashed and set aside.

12 Needless to state, the passing of this order is in the light of the passage of two decades and hence, it would be open to the Respondent/ State Authorities to continue to scrutinize the affairs of the Petitioner Society. The part allowing of this petition, would not be an impediment to the statutory Authorities in exercising their supervision over the Petitioner Society.

13 Rule is made partly absolute in the above terms.

kps

(RAVINDRA V. GHUGE, J.)