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

PUBLIC INTEREST LITIGATION NO.70 OF 2018

1. Mohan s/o Sahebrao Patil,
Age: 55 years, Occ: Agril.,
R/o. 5, Saraswati Colony,
Shirpur, Tq. Shirpur,
Dist. Dhule.
2. Ashok s/o Vithoba Shriram,
Age: 59 years, Occ: Agri.,
R/o. 67, Pitreshwar Colony
Shirpur, Tq. Shirpur, Dist. Dhule.
3. Gopalsing s/o Rajitsing Rajput,
Age: 51 years, Occ: Agri.,
R/o. Holnanthe, Tq. Shirpur,
Dist. Dhule.
4. Digambar s/o Pandu Mali,
Age: 77 years, Occ: Agri.,
R/o. Rath Galli Shirpur
Tq. Shirpur Dist. Dhule.
5. Rahul s/o. Vishwasrao Randhe,
Age: 45 years, Occ: Agri.,
R/o. Boradi, Tq. Shirpur,
Dist. Dhule.

..PETITIONERS

VERSUS

1. The Union of India,
Through,
The Director (Co-Operation)
Ministry of Agriculture and
Farmer Welfare (Department
of Agriculture, Co-operation
and Farmer's Welfare) Krushi
Bhavan, New Delhi.

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2. The Sugar Commissioner,
Govt. of Maharashtra,
Sakhar Sankul Shivji Nagar,
Pune.
3. The Chairman,
Shirpur Shetkari Sahakari Sakhar
Karkhana ltd., Dahiwad,
Tq. Shirpur, Dist. Dhule.
Office Address for Service of
Summons R.C. Patel D.Ed. College,
Karwand Naka, Shirpur Dist. Dhule.
4. The Managing Director
Dhule Nandurbar District
Central Co-operative Bank
Ltd., Dhule, Dist. Dhule. ..RESPONDENTS

Mr P.B. Patil, Advocate for petitioner;
Mr A.B. Dhongade, Assistant Solicitor General of
India for respondent No.1;
Mr K.B. Jadhavar, A.G.P. for respondent No.2;
Mr D.S. Bagul, Advocate for respondent No.3;
Mr D.B. Thoke, Advocate for respondent No.4

CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.

DATE : 30th NOVEMBER, 2018

ORAL ORDER :

Heard Mr. Patil, learned Counsel appearing
for the petitioners.

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2. The petitioners are agriculturists and are share holders of a private sugar factory namely Shirpur Shetkari Sahakari Sakhar Karkhana. The grievance firstly was raised by petitioner No.1 along with other persons to the administrator of Dhule and Nandurbar District Central Co-operative Bank Ltd., Dhule in respect of notice issued under Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. It may not be necessary for us to refer the said representation/grievance dated 12th January, 2013. Petitioner No.1 and other persons approached the Secretary, Ministry of Agriculture and co-operation, Central Government, New Delhi by filing representation. It is submitted that sugar factory namely Shirpur Shetkari Co-operative Sugar Factory Ltd., Shivaji Nagar, Dahiwad, Taluka Shirpur, District Dhule though was established with a purpose to provide benefits to the agriculturists and sugar cane growers, due to misdeeds, the

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applicants were constrained to approach the authority.

4. Mr. Patil, learned Counsel appearing for the petitioners submitted that another representation was submitted to the Secretary, Ministry of Agriculture and co-operation, Central Government, New Delhi dated 25th May, 2015. Our attention was invited to the copy of the said representation and it is stated that the applicants pray the authority to take action by issuing direction under Section 122 of the Multi State Co-operative Societies Act. The representation was also submitted to the Sugar Commissioner, State of Maharashtra, Pune i.e. respondent No.2 in the present petition.

5. The perusal of the material placed on record show that Director (Co-operation), Ministry of Agriculture and Farmer Welfare (Department of Agriculture, Co-operation and Farmer's Welfare) Krushi Bhavan, New Delhi i.e. respondent No.1 on receiving representation forwarded communication to

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the Sugar Commissioner i.e. respondent No.2 on 23rd November, 2015 and requested Sugar Commissioner to take appropriate action on the complaints. The Sugar Commissioner i.e. respondent No.2 on receiving communication from the office of Director dated 23rd November, 2015 forwarded his response by letter/communication dated 30th August, 2016 seeking guidance from the Director.

6. The submission of Mr. Patil, learned Counsel for the petitioners is, the petitioners are representing the cause of the public in general and in particular, cause of the agriculturists and sugar cane growers and no personal interest is involved in the petition. He further submitted that post communication dated 30th August, 2016 issued by the Sugar Commissioner, there is no progress in the matter. It is further submitted that the petitioners are only interested in an early action to be initiated by the authorities, as there is already an exchange of communication between the parties.

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7. On the backdrop of these submissions, Mr. Patil, learned Counsel for the petitioners further submits that direction be issued to the authorities namely respondent No.1 to respond communication of Sugar Commissioner dated 30th August, 2016 and further direction be issued to the Sugar Commissioner to take further action on receipt of the guidance being provided by respondent No.1 to respondent No.2. Mr. Patil, learned Counsel then submits that on these representations, if the authorities namely respondent Nos. 1 and 2 take some decision, the petitioners then would be in a position to take further course of action and they would avail appropriate remedies to take the matter to its logical end. We find considerable merit in the submission of Mr. Patil, learned Counsel for the petitioners.

8. Considering the very fact referred to by us above, we are of the opinion that the interest of justice can be met with by disposing the petition with direction to respondent Nos. 1 and 2. Accordingly, we direct respondent No.1 - Director

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(Co-operation), Ministry of Agriculture and Farmer Welfare (Department of Agriculture, Co-operation and Farmer's Welfare) Krushi Bhavan, New Delhi to respond the communication of respondent No.2 – The Sugar Commissioner, Government of Maharashtra, Sakhar Sankul, Shivaji Nagar, Pune dated 30th August, 2016 as expeditiously as possible and not later than six weeks from the date of this order, if not so forwarded till this date. Respondent No.2 – Sugar Commissioner, in turn, to take his own decision on the representation of the petitioners within six weeks. Needless to state that the authorities are at liberty to take decision on merit on the representation and considering the relevant Act, Rules, Regulations etc.

9. With these directions, public interest litigation is disposed of.

(MANGESH S. PATIL)
JUDGE

(PRASANNA B. VARALE)
JUDGE