

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

BENCH AT AURANGABAD.

WRIT PETITION NO.11865 OF 2017

Ajay S/o Arunrao Lakhapati ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.V.D.Hon, Senior advocate holding for
Mr.A.V.Hon, advocate for the petitioner.
Mr.A.S.Shinde, A.G.P. for the State.
Mr.V.H.Dighe, advocate for Respondent No.4.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 29.01.2018.

PER COURT :

1. We have heard Mr.Hon, learned Senior
advocate for the petitioner and Mr.V.H.Dighe,
learned counsel for Respondent No.4.

2. During the course of hearing apart from
Section 73CA of the Maharashtra Cooperative

Societies Act and the byelaws therein, Rule 58 of the Maharashtra Cooperative Societies Rules has been pointed out which gives powers to the Registrar to pass an order of cessation of membership of a member from the Committee of the Society.

3. It is not disputed by the respective counsel that cessation of membership would take place only after passing of the order of Rule 58 of the MCS Rules.

4. Rule 58 prescribes for an opportunity of hearing also.

5. Mr.Dighe, learned counsel on instructions states that within one week, the proposal will be forwarded to the Registrar with regard to disqualification incurred by the petitioner.

6. On receipt of the said proposal, the Registrar shall issue notice to the petitioner before passing any further order on the proposal

forwarded by the society with regard to cessation of membership of the petitioner. Upon hearing the petitioner, the Registrar may pass further orders and decide it in accordance with law and within the period as stipulated under Rule 58 of the Maharashtra Cooperative Societies Rules.

7. Till the Registrar decides it, the Respondent shall not fill in the post which was held by the petitioner.

8. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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