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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7709 OF 2015

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| Proposed Kai Y.D. Patilsahib Sahakari<br>Dudh Vyavasayik Sanstha Maryadit & Anr.<br>V/s.<br>Joint Registrar, Co-op. Socs. & Ors. | ...Petitioners<br><br><br>...Respondents |
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Mr.Bhushan Mandlik with Mr.Shriniwas Patwardhan for the  
Petitioners.  
Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.  
Mr.Pradip Dalvi for the Respondent Nos.4 to 8.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 24TH JULY, 2018.**

**P.C. :-**

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 17<sup>th</sup> July, 2015 passed by the respondent no.10, dismissing the Revision Application No.4 of 2014 filed by the petitioners and upholding the order dated 2<sup>nd</sup> December, 2014 passed by the respondent no.1.

2. The petitioner no.1 had submitted a proposal for registration of the society to the respondent no.3. The respondent no.4 took objection to the petitioner no.1's registration on various grounds. The application of the petitioner no.1 was allowed by the Collector, Milk. The respondent nos.4 to 8 challenged the said order passed by the respondent no.2 on 27<sup>th</sup> August, 2014 by filing an

appeal before the respondent no.1 under section 152 of the Maharashtra Co-operative Societies Act, 1960. The respondent no.1 allowed the said appeal on 2<sup>nd</sup> December, 2014. The revision application filed by the respondent no.10 came to be dismissed subsequently.

3. Mr.Mandlik, learned counsel appearing for the petitioners invited my attention to some of the exhibits annexed to the petition and would submit that the respondent no.2 had rightly considered all the relevant aspects in the impugned order and had granted registration to the petitioners society which has been erroneously set aside by the lower Appellate Authority and the Revisional Authority. He also invited my attention to the record produced in this petition in support of his submission that the learned Minister had called for the report from the lower Appellate Authority about the status of the supply of milk by the petitioners but did not consider the said report in the impugned order.

4. Learned counsel invited my attention to a document annexed at page no.81 of the writ petition, issued by Kolhapur District Co-operative Milk Product Corporation Limited, Kolhapur dated 22<sup>nd</sup> July, 2015 in support of his submission that the petitioners society were supplying the milk more than the requisite quantities.

5. Mr.Dalvi, learned counsel appearing for the respondent

nos.4 to 8 on the other hand submits that 39 members of the petitioners society resigned from the petitioners society and joined the respondent nos.4 to 8 society. The petitioners were ineligible on that ground also. Insofar as the quantity of the milk supplied by the petitioners is concerned, it is submitted that the lower Appellate Authority as well as the learned Minister considered the Government Resolution dated 4<sup>th</sup> January, 2000 and rightly rendered a finding that the petitioners had not supplied the milk to the extent of the quantity of 2500 litres. The quantity of the milk available at the village in the petitioners society was about 1510 litres.

6. Insofar as the report called by the learned Minister at the time of hearing of the revision application is concerned, it is submitted that the said report was called by the learned Minister during the course of hearing of the matter on his own. Learned Minister thus rightly did not consider the said report.

7. A perusal of the record before the authorities indicates that the petitioners have not disputed that substantial number of the members of the petitioners had shifted from the petitioners society to the respondent nos.4 to 8. This position however, has been now controverted by the petitioners by filing affidavit in rejoinder.

8. A perusal of the record further indicates that the lower Appellate Authority as well as the learned Minister have while

rejecting the appeal filed by the respondent nos.4 to 8 have rendered a finding of fact that the petitioners have not complied with clause 3 of the Government Resolution dated 4<sup>th</sup> January, 2000. The quantity of milk available at the village was not fulfilling the criteria.

9. In my view, the findings of fact rendered by the lower Appellate Authority as well as by the learned Minister being not perverse cannot be interfered with by this Court in this writ petition filed under Article 227 of the Constitution of India.

10. The petitioners not having been found eligible for registration under section 4 of the Maharashtra Co-operative Societies Act, 1960, both the Appellate Authorities have rightly decided against the petitioners. I do not find any infirmity with the impugned orders passed by the lower Appellate Authority as well as by the learned Minister. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

11. At the request of the learned counsel for the petitioners, interim protection granted by this Court to continue for a period of four weeks from today. If any Special Leave Petition is filed by the petitioners, a copy thereof shall be served upon the contesting respondents in advocate.

**(R.D. DHANUKA, J.)**