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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4137 OF 2017

Samadhan S. Sonandkar & Ors.

...Petitioners

V/s.

Louis A.Sangale & Ors.

...Respondents

Mr.Vilas Tapkir for the Petitioners.

Mr.Vivek Solunke for the Respondent Nos.1 to 7.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.13.

CORAM : R.D. DHANUKA, J.

DATE : 28TH JUNE, 2018.

P.C. :-

1. By this petition filed under section 227 of the Constitution of India, the petitioners have impugned the order dated 19th October, 2015 passed by the respondent no.8 allowing the revision application filed by the respondent nos.1 to 7. The respondent nos.1 to 7 were elected as the Managing Committee members of the respondent no.10 society. On the complaint made by the petitioners, an Administrator came to be appointed in respect of the management and affairs of the respondent no.10 society. The respondent nos.1 to 7 were declared as disqualified. Being aggrieved by the said order, the respondent nos.1 to 7 filed a revision application. Learned Divisional Joint Registrar passed an order thereby setting aside the order of

appointment of the Administrator. This order of the learned Divisional Joint Registrar came to be impugned by the petitioners in this petition. There is no interim order passed in this petition.

2. It is not in dispute that a fresh election of the Managing Committee of the respondent no.10 society thereafter came to be held. The respondent nos.1 to 7 are admittedly not the members of the new Managing Committee of the respondent no.10 society.

3. Mr.Tapkir, learned counsel appearing for the petitioners invited my attention to some of the documents annexed to the petition and would submit that the learned Divisional Joint Registrar has not considered the crucial document relied upon by the petitioners and has erroneously allowed the revision application filed by the respondent nos.1 to 7. He submits that that the election of the Managing Committee has been already held and none of the erstwhile members of the Managing Committee i.e. the respondent nos.1 to 7 have contested the election. However, if the impugned order passed by the learned Divisional Joint Registrar under section 78-A(1)(b) of the Maharashtra Co-operative Societies Act, 1960 is quashed and set aside by this Court, the respondent nos.1 to 7 would be disqualified who shall not be eligible to be re-elected, re-opted or re-nominated as a member of any committee of any society till the expiry of period of next one term of the committee from the date on which they have

been so removed.

4. Mr.Salunke, learned counsel appearing for the respondent nos.1 to 7 invited my attention to various findings of fact rendered by the learned Divisional Joint Registrar and would submit that the Divisional Joint Registrar himself has considered each and every document produced including the record of the society and has rendered various findings of fact and held that no breaches of duty or obligations were committed by the respondent nos.1 to 7 under the provisions of the Maharashtra Co-operative Societies Act, 1960 and has rightly passed an order in favour of his clients.

5. With the assistance of the learned counsel for the parties, I have perused the record annexed to the petition and also perused the findings rendered by the learned Divisional Joint Registrar.

6. A perusal of the impugned order indicates that the learned Divisional Joint Registrar has verified each and every document and the record of the respondent no.10 society and has rendered finding of fact that the respondent nos.1 to 7 had not committed any mistake in conducting a fresh election of the respondent no.10 society and has not violated any provisions of the Maharashtra Co-operative Societies Act, 1960 and has thus rightly set aside the order of appointment of the Administrator and the order of disqualification of the respondent nos.1 to 7.

7. Be that as it may, the fact remains that the respondent nos.1 to 7 have not contested the election of the next Managing Committee which has been already held on 13th July, 2017 i.e. during the pendency of this writ petition.

8. I do not find any infirmity in the impugned order passed by the Divisional Joint Registrar. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)