

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

WRIT PETITION NO.1012 OF 2019

**HANMANT NAGANATH GADDAPWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.A.B. Jagtap h/f. Mr.V.D. Sapkal, Advocate for the petitioners.

Mr.A.R. Kale, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 23.01.2019

P.C. :-

1. Heard learned Counsel for the petitioners. The petitioners claimed to be member of one society, namely, Hatmag Veenkar Sahakari Sanstha. It may not be necessary for us to refer to other details. Suffice to say that other necessary documents are placed on record including the copy of by-laws of society. Communication dated 13.05.2016 shows that complaints were received by the competent authority of the Co-operative Society. Accordingly, by appointing Inquiry officer, inquiry was conducted. The detailed inquiry report is also placed on

record. The documents placed on record further shows that on 13.09.2016 one of the members of the society Shri Annamwar Lachiram Balanna submitted representation to the Hon'ble Minister holding portfolio of Co-operation Department. It is requested to the Hon'ble Minister by the representation that as there is mischief played in the affairs of the society and the Inquiry Report also refers to certain irregularities and illegalities and with immediate effect an Administrator or Administrative Board be appointed on the society. It is also stated that from long time, no elections are conducted and the Administrator/Administrative Board to see that the election process is initiated and completed expeditiously. On 08.11.2016 the petitioners along with some other members submitted representation to the District Collector, Nanded and copies are again forwarded to the Hon'ble Minister, Commissioner of Co-operation, Pune, Divisional Joint Registrar of Co-operative Societies etc. It is submission of the learned Counsel that there is no further progress in the matter and the

authorities be directed to undertake immediate steps including lodgment of the offences.

2. On perusal of the material placed on record, it reveals that the Hon'ble Minister, Co-operation Department immediately took cognizance of the complaint and under the directions of the Hon'ble Minister, the Additional Registrar, Co-operative Societies, Pune informed the Divisional Joint Registrar, Co-operative Societies, Latur to submit report to the office of the Hon'ble Minister. The Hon'ble Minister also noted that the matter is serious one and meeting be fixed for consideration of the grievances raised in the representation. It is also directed that if there are certain deficiencies pointed out in the audit report, this fact may also be brought to the notice of the authorities. Copy of the said letter is placed on record at page 195 of the petition. The District Dy. Registrar in turn informed the Assistant Registrar by communication dated 04.11.2016 to submit report of the action initiated by the Assistant Registrar

in the matter. Thus, communication dated 27.09.2016 and 04.11.2016 clearly shows that the Hon'ble Minister took immediate cognizance of the grievance and it seems that reports from the lower authorities such as Assistant Registrar and Divisional Joint Registrar, Co-operative Societies are awaited for further action.

3. This being the fact situation emerged from the perusal of the material, we are of the opinion that the petition can be disposed of with directions to respondent No.2 – Additional Registrar, respondent No. 6- Assistant Registrar to submit their respective response/report to the Divisional Joint Registrar as early as possible and not later than six weeks from today. The Divisional Joint Registrar then to submit his report to the Hon'ble Minister within further six weeks. On receipt of such reports, respondent No.1 – Secretary, Co-operation and Textile Department to apprise the Hon'ble Minister and the Hon'ble Minister to take appropriate action in the representation as expeditiously as possible. We further

make it clear that though representation refers to an action for lodgment of the criminal offence, if the petitioners are of the opinion that there is any act which is within the compass and scope of registration of crime under the Indian Penal Code, the petitioner are not prevented from approaching the law enforcing agencies.

4. With these directions and observations, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]