

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

3 WRIT PETITION NO.2915 OF 2019

PROPOSED JANKALYAN FOUNDATION AURANGABAD
THROUGH PRESIDENT SANJAY KALANTRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. D.P.Palodkar, Advocate for Petitioner.
Mr. S.B.Pulkundwar, AGP for Respondents-State.
...

**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24th June, 2019

PER COURT :-

1. We have heard Mr. Palodkar, the learned counsel for the petitioner.

2. The learned advocate submits that pursuant to the tender issued by the respondent, the petitioner applied for the allotment of plot. The petitioner was a proposed society. The technical bid of the petitioner was opened. Thereafter financial bid was also opened. Subsequently, letter is issued to the petitioner that the petitioner is not eligible to apply pursuant to the tender on the ground that the petitioner is not the registered co-operative society. The learned counsel

submits that such an approach is illegal. The respondents have allotted plots earlier to the unregistered co-operative societies also. Mr. Palodkar, the learned counsel submits that immediately after the application was filed, the petitioner made an application and subsequently got the society registered.

3. This Court, under judgment and order dated 12.09.2018 in Writ Petition No.8864 of 2013 of Division Bench of this Court to which one of us (S.V.Gangapurwala, J.) was party has held that an unregistered co-operative society does not possess an independent legal identity. It is only after the co-operative society is registered, it has a status of a body corporate. It was further observed in the said judgment that the proposed society, that is not registered does not possess the legal rights and an unregistered society cannot enjoy all the privileges and rights entrusted to the registered society.

4. Moreover, the information book clearly provided that it is only the experienced registered society or newly registered society can apply. The offers were never invited from a proposed society. The fact remains that on the day when the petitioner applied, the petitioner was an unregistered society.

5. In light of that, it would not be possible to accept the contention of the petitioner. Writ Petition, as such is disposed of. No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-