

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

**WRIT PETITION NO.362 OF 2019**

**BHAGATSING DEVNATH PATIL AND OTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Yogesh B. Bolkar, Advocate for the petitioners  
Mr.V.S.Badakh, AGP for the respondent/State

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

**DATED : 11.01.2019**

**P.C. :-**

. With this petition the petitioners who claimed to the directors of the respondent No.5 Society are before this Court with prayer clause (B) direct respondent Nos.5 and 6. It seems that (it is typographical error in the prayer because there are only five respondents in the clause title of the petition as such we take it that the petitioner is desirous of direction of respondent Nos. 4 and 5) to supply the documents requested by the petitioner vide letters dated 26.06.2011, 27.07.2011 and 15.08.2011 so as to enable these petitioners to tender their reply to the notice dated 08.06.2011 issued by respondent No.4 i.e. Assistant Registrar Cooperative Societies, Raver. Learned counsel

vehemently submitted before us that in spite of request to the authorities and in spite of order passed by this Court the authority fails to provide the documents as requested by the petitioners and because of non supply of these documents the petitioners are not in a position to reply the notice properly. The documents placed on record show that a notice was issued by the authorized authority Officer exercising the powers under the Co-operative Societies Act more particularly under Rule 72 (2) of the 61 Rules. Perusal of this notice it shows that in view of the scrutiny of audited reports of the society the authority found that there is mismanagement in the society. Loans are disbursed to only to the relatives of the Directors. The society failed to secure the finance of the society. As such the State Government left with no choice to appoint the competent authority by invoking the provisions of the Co-operative Societies Act and more particularly Section 88 of the Act. The petitioners have approached this Court by filing writ petition No.5451/2011 as it was submitted before this Court that necessary documents are not supplied to the petitioners. Learned Single Judge of this court by referring to that grievance of the petitioners

disposed of the writ petition permitting the petitioners to apply the respondents for necessary documents and then in turned directed the respondents to deliver the copies of the said documents to the petitioner which are in the possession and power of respondents. Now as the petitioners are approaching this Court with grievance that in spite of various communications requesting the authorities to supply the copies of documents which are in possession and power of the respondent authorities, the authorities are not supplying the copies. If these communications are perused an interesting feature emerges and we have no hesitation to state that all these communications seeking the documents is only an attempt of the petitioners to prolong the proceedings on spaciouly that the documents are not supplied to the petitioners. We are dealing with each of the communications. First communication dated 27.07.2011 shows the petitioners requested for supply the copy of the by-laws and the rules framed by the society itself for disbursement of the loan. When we pointed out a query to the learned counsel if the petitioners were directors of the society, there was no reason for these petitioners to request the

authority to grant copy of the by-laws of the society. Though learned counsel made an attempt to submit before us that the society was subjected to liquidation and administrator was appointed but this clearly is not the reply to our query. This clear is not satisfactory reply to our query. It is unthinkable of that the petitioner who themselves are the Directors of the society were not having copy of the by-laws of the society and they were dependent for receiving copies from the respondent authority. Thus, this application is only to create an impression over the authorities as well on this Court to so that certain documents was requested by the petitioner but the respondent authorities failed to supply the copies of these documents. Now the second communication dated 27.02.2011 if perused the petitioner is requesting for the details of the procedure framed by the Cooperative department in respect of entries in the record. The petitioner is also requesting to provide the copy of the guidelines issued in this matters by the State Government. Now, again this is only an attempt to submit that the authorities are not supplying the documents, if the petitioners were really interested to know the procedural formalities and the rules

they were and they are not prevented even today to go through the provision of the Cooperative Societies Act and the Rules framed under the Act. In the very communication, the petitioners made a request to supply the circulars issued by the State Government or the decision of the State Government. Now again these documents in the form of Government decision resulted in government resolution and the government circular is available whosoever desirous to seek the circulars and resolutions from the website of the State Government, if somebody is really willing to undertake this exercise. Then the petitioners seek information as to the details of benefits given to the members of the society. Again on the very day the petitioners are seeking information from the authorities about the disbursement of loan to the members of the society. Now if it is an admitted fact by the petitioners that the financial aspect of the society were subjected to exercise of auditing there was no prohibition for the petitioner to go through its own record and more particularly the audit reports issued by the competent auditor appointed by the society before appointing administrator over the society by the State Government. Because the

petitioner refers to certain financial aspect of the year 2004-2005, 2005-2006 and admitted the notice under Rule 72(2) was issued in the year 2011 with a reference of the audited reports till the year 2006 and for this period if there was no administrator appointed the petitioners were not prevented from having this audit reports from the record of the society.

2. We are of the opinion that the petitioners only by raising certain technical objections which are clearly unsustainable are desirous of prolonging the proceedings. As we are of the opinion that the petition is thoroughly meritless only inescapable conclusion can be drawn is of dismissal of the petition.

3. Accordingly the petition is dismissed and disposed of.

**[S.M.GAVHANE, J.]**

**[PRASANNA B. VARALE, J.]**