

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
STAMP NUMBER MAIN NO.3011 OF 2018
with
WRIT PETITION NO.15 OF 2019
with
WRIT PETITION NO.901 OF 2018
with
WRIT PETITION NO.1062 OF 2018
with
STAMP NUMBER MAIN NO.2999 OF 2018

Vithoba Datta Dessai and others. Petitioners.

Versus

The Registrar of Co-operative
Societies and others. Respondents.

Mr. Devidas J. Pangam, with Mr. Parikshit S. Sawant, Advocates for
the Petitioners.

Mr. Dattaprasad Lawande, Advocate General with Mr. Deep
Shirodkar, Additional Govt. Advocate for the Respondents No.1
and 2.

Mr. Ryan Menezes, Advocate for Respondents No.6 & 7.

WP NO.15/2019

Mr. Prashil Arolkar, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Pradosh
Dangui, Government Advocate for the Respondents No.1 and 2.

WP NO.901/2018

Mr. S.D. Lotlikar, Senior Advocate with Mr. N. Amonkar, Advocate
for the Petitioners.

WP NO.1062/2018

Mr. Vithal Naik, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Amogh Prabhudessai, Addl. Government Advocate for the Respondents No.1 and 2.

Mr. A. D. Bhobe, with Mr. K. Govekar, Advocates for Respondents No.3 & 5.

Mr. Ryan Menezes, Advocate for Respondents No.6 & 7.

STM No.2999/2018.

Mr.S.D. Padiyar with Mr. P. P. Phadte, Advocate for the Petitioner.

Mr. Dattaprasad Lawande, Advocate General with Mr. Rajesh Shivolkar, Addl. Government Advocate for the Respondents.

***Coram : R.D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 11 April 2019.

P.C.:

1. By consent of the parties, all these Petitions were heard together and are being disposed of by a common order.

2. In all these Petitions, the Petitioners have prayed for a writ of certiorari or direction for quashing and setting aside the impugned order dated 31st August, 2018, passed by the Registrar of Cooperative Societies, Goa against all the Petitioners thereby appointing an administrator to manage the affairs of the Goa State Cooperative Milk Producers Ltd., Ponda. The learned Advocate

General does not dispute that the said order was passed without hearing any of the Petitioners and is passed in violation of the principles of natural justice.

3. In view of this position, the impugned order dated 31st August, 2018 which is in gross violation of the principles of natural justice deserves to be quashed and set aside. Consequently, all orders passed and actions taken pursuant to the said order dated 31st August, 2018 also deserve to be quashed and set aside.

4. We, therefore, pass the following order :

(I) The impugned order dated 31st August, 2018, passed by the Registrar of Cooperative Societies in Case No.1.19-14-218-TS/RCS(Suple.2)/2273 & 2. 19-17-94-TS/RCS(Part III) and all consequential orders and actions taken pursuant to the said order are quashed and set aside. The said proceedings are restored to file before the Registrar of Cooperative Societies for passing afresh orders, after hearing all the Petitioners in these Petitions, and after complying with the principles of natural justice and in accordance with law, expeditiously and not later than four months from the date of communication of this order. It is made clear that the learned Registrar of Co-operative Societies is not precluded from passing any order even during the period of elections.

(II) The Administrator, who has taken charge of the affairs of the Society, is directed to hand over charge of the Society, to the Board of Directors who were in office on the date of passing of the impugned order, within one week from the date of communication of this order.

(III) In the event of any adverse order if passed against any of the Petitioners, the Petitioners would be at liberty to file fresh Petitions.

(IV) All contentions of the parties are kept open.

5. All parties to act on the authenticated copy of this order.

Prithviraj K. Chavan, J.

R.D. Dhanuka, J.