

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.732 of 2017

The Yeovatmal District Labour Co-operative Societies Federation, Yeovatmal, through its
President

Versus

The State of Maharashtra, through its Secretary, Ministry of Co-operation, Marketing and
Textile Department, Mantralaya, Mumbai, and others.

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.M. Ghare, Advocate for Petitioner.

Shri A.S. Fulzele, Additional Government Pleader for Respondent
Nos.1 to 4.

Shri Mohd. Ateeque, Advocate for Respondent Nos.5 to 9.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Dated : 6th February, 2019

By the Government Resolution dated 31-3-2005, it seems that the ban was imposed for registration of Co-operative Societies. It is urged that by the communication dated 7-11-2008 issued by the Under Secretary, Co-operative Department, the ban was lifted subject to certain conditions, which were required to be fulfilled by the Commissioner for Co-operation. The requirement was to determine by scientific method the district-wise need of new Labour Co-operative Societies for distribution of the work without inviting tenders. By the Circular dated 6-12-2008 issued by the Commissioner for Co-

operation, this job is entrusted/delegated to the Divisional Joint Registrar of every Division. If the Societies are registered contrary to the Government policy, then the same is likely to create an unhealthy competition in respect of the work to be allotted to the existing Societies, is the contention raised in this petition.

We fail to understand as to how by the communication dated 7-11-2008, the ban imposed by the State Government for registration of Societies is relaxed subject to fulfillment of certain conditions, as pointed out above. We further fail to understand as to how the Commissioner for Co-operation by the Circular dated 6-12-2008 delegated the function to the subordinate officer. If the authorities are acting contrary to the Government policy laid down, imposing the ban on the registration of the Societies, it is for the Government to take appropriate action against the concerned authorities. We do not find any right existing in favour of the petitioner to issue a writ of mandamus.

The petition is dismissed.

At this stage, Shri Ghare, the learned counsel appearing for the petitioner, submits that the interim order granted by this Court for registration of Societies is operating for a period of two years and, therefore, prays that the same be continued for a

period of two years. We do not find that it is a case where the interim order should be continued. The prayer is rejected.

Lanjewar

(Vinay Joshi, J.)

(R.K. Deshpande, J.)