

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

Writ Petition No.1883 of 2019

The Yavatmal Zilla Patabandhare Karmachari Sahakari Patsanstha Ltd.
Vs.
The State of Maharashtra through, Principal Secretary & Ors.

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

Court's or Judge's orders

Mr. T.S. Deshpande h/f Mr. F.T.Mirza, Advocate for petitioner
Mrs. Mrunal Naik, AGP for respondents No.1 to 4 & 6.
Mr. C.S. Dharmadhikari, Advocate for respondent No.5.

CORAM : MANISH PITALE, J.

DATED : NOVEMBER 19, 2019

By this writ petition, the petitioner society has challenged order dated 17/09/2018, passed by the respondent No.1, whereby appeal filed by the respondent No.5 has been allowed and order dated 24/11/2016, passed by the respondent No.2 - Commissioner of Co-operatives and Joint Registrar Co-operative Societies, has been set aside. The respondent No.5 society had requested grant of permission to increase its area of operation in the districts of Yavatmal, Akola and Washim. The said request of the respondent no.5 was granted by the respondent No.2 but only in respect of district Washim, while it was rejected in respect of Yavatmal and Akola. Aggrieved by the same, the respondent No.5 filed an appeal before the respondent No.1, which stood allowed by

the impugned order.

2. The petitioner, being a co-operative credit society concerning employees of the Irrigation Department claimed that the permission being granted for extending the area of operation to respondent No.5 even in the district of Yavatmal, would be detrimental to its interest and, therefore, the petitioner society claimed to be a necessary party which deserved hearing in the proceedings initiated by respondent No.5.

3. On an order passed by this Court in a Writ Petition filed by the petitioner society, direction was given to add the petitioner society, along with other parties, as respondents in the proceedings of appeal initiated by the respondent No.5, so that all those who were likely to be affected adversely would be before the authority before the grievance raised by the respondent No.5 society was considered.

4. In pursuance of the directions given by this Court, the petitioner society and other such societies were added as parties in the appellate proceedings and thereafter, the impugned order was passed by the Minister of the concerned department.

5. The grievance raised on behalf of the petitioner is that proper opportunity of hearing was not

granted when the impugned order was passed and that findings on merits were not properly rendered by the appellate authority as grievances raised by various credit societies of districts Yavatmal, Akola, Washim and others were considered together and individual grievances were not given attention in the impugned order passed by the appellate authority.

6. On the other hand, it was pointed out on behalf of the respondent No.5 that a perusal of the impugned order would show proper reasonings were given for allowing the appeal and granting request of the respondent No.5 for increasing its area of operation to include districts Yavatmal, Washim and Akola.

7. In pursuance of the order passed by this Court in earlier writ petition, the petitioner and other such credit societies were indeed added as parties before the appellate authority. The recording of the contentions raised on behalf of the newly added parties shows that appellate authority did consider the individual grievances raised by the said societies. The portion of the impugned order where the grievances of the rival parties were considered and the findings were rendered would show that the appellate authority found that the principal grievance raised by the credit societies like the petitioner, was that permitting respondent No.5 to increase its area of operation to include other districts would have detrimental effect

on the functioning and membership of such credit societies, which would consequently have an effect on the viability and profitability of such credit societies. While considering the said grievances the appellate authority categorically recorded that while permitting the respondent No.5 society to increase its area of operation, it was made clear that employees who were already members of other credit societies, like the petitioner herein, would not be permitted to become members of respondent society, upon increase in its area of operation. It was also recorded that if the said condition was violated by the respondent No.5 a complaint could be preferred before the Registrar of Societies. Having noted the said specific condition, the appellate authority came to a conclusion that the grievances sought to be raised by the petitioner and other such credit societies were without any substance. It was also recorded that in the face of competition, the services rendered by such credit societies were likely to improve and that it would enure to the benefit of the members of such credit societies.

8. Having perused the reasons given by the appellate authority in the impugned order, this Court finds that no error can be attributed to the same and grievances raised by the petitioner were not only considered, but, proper findings were rendered.

9. In view of the above, this Court finds that the petitioner has not made out a case for invoking writ jurisdiction. Hence, the writ petition is dismissed.

JUDGE

MP Deshpande