

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

WRIT PETITION NO. 946/2019

(Ushabai Omprakash Jain **vs.** The State of Maharashtra)

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

Court's or Judge's order

Advocate for petitioner **absent.**

Mr. S.Y. Deopujari, Government Pleader for respondent

CORAM : **R.K. DESHPANDE &**
VINAY JOSHI, JJ.

DATED : **3rd June, 2019.**

None appears for the petitioner.

The petitioner is seeking a direction to the respondent to take appropriate action under the provisions of the Maharashtra Cooperative Societies (Second Amendment) Act, 2016, on the representation made by the petitioner on 16.08.2018.

On 12.2.2019 this Court had passed the following order:-

“ The petitioner undertakes to deposit an amount of Rs.1,00,000/- within a period of two weeks before this Court to show his bona fide.

Put up this matter on 26.02.2019.”

Thereafter on 26.02.2019, the following order was passed:

“ The petitioner has deposited an amount of Rs. One lakh in this court, as per order dated 12.02.2019.

Issue notice to the respondent, returnable on 26.03.2019.

Mr. S.Y.Deopujari, learned Government Pleader waives notice on behalf of the respondent.

The respondent is expected to find out on the basis of representation made by the petitioner as to whether any action can be taken in the matter."

In response to the aforesaid orders, the Respondent-State has filed an affidavit stating in paragraph nos. 4 to 7 that steps have already been taken. Para no.8 of the affidavit being relevant, is reproduced below:

"8. It is further submitted that the answering respondent by a letter dated 13.3.2019 issued to the Assistant Registrar, Cooperative Societies, Digras has instructed to take appropriate action as per the provisions of Maharashtra Cooperative Societies Act, 1960 and Maharashtra Cooperative Societies Rules, 1961 on the basis of statutory audit against Late Sudhakar Rao Naik Produce and Seller of Fruits and Vegetables Cooperative Society Limited, Digras. It is further respectfully submitted that as per the test audit and statutory audit report of both the societies appropriate action will be taken against both the societies as per the provisions of Maharashtra Cooperative societies Act, 1960 and Maharashtra Cooperative Societies Rules, 1961. It is further respectfully submitted that periodical review will be taken from time to time about the action taken by the District Deputy Registrar, Cooperative Societies, Yavatmal and the Assistant Registrar,

Cooperative Societies, Digra in respect of the enquiry initiated against both the societies."

In view of the aforesaid stand taken by the respondent, the petition has served its purpose. The same therefore stands disposed of. The amount deposited by the petitioner be refunded to him.

JUDGE

JUDGE

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