

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 712 OF 2019

Gulam Jilani Gulam Dastgir Patel ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr T.M. Venjane, Advocate for Petitioner
Mrs M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 3
Mr A.V. Hon, Advocate for Respondent Nos. 5 and 6

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 17th FEBRUARY, 2020

PER COURT :

1. The contention of the respondent Nos. 5 and 6 is that the petitioner is not a member of the Soot Girni.

2. We do not find the petitioner as an interested party. The petitioner's objection has been considered by the respondent-authorities. The petitioner has been communicated about the explanation given by respondent No. 4. The first application was given on 23.04.2018 and the explanation was given. Thereafter, again the representation is given by the petitioner on 07.09.2018 raising the same contention. The same was replied by respondent No. 3. Respondent No. 6 submitted the report regarding the liquidation proceedings. It is further stated in the affidavit filed by respondent Nos. 1 and 3 that the

liquidator (respondent No. 6) with the prior approval from the respondent No. 3, sold the properties of the Soot Girni by following e-Tender process. It is further stated in the affidavit by respondent No. 3 that in the present case, section 81 (5B) of the Maharashtra Co-operative Societies Act, 1960 is not attracted. The audit of the Society in liquidation is conducted under section 108 of the Maharashtra Co-operative Societies Act and not under section 81 of the said Act.

3. One of the objections raised is that the petitioner is not a member of the Soot Girni. In view of that, petitioner also would not have any locus to assail the liquidation proceedings of the Soot Girni.

4. In the light of that, writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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