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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1571 OF 2018

Bapuso Ganpati Mali … Petitioner
Vs.
State of Maharashtra & Ors. … Respondents

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Mr. Manoj A. Patil, for the Petitioner.

Ms. M. S. Bane, AGP for Respondent Nos. 1 to 4.

Mr. T. S. Ingale, for Respondent No. 5.

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CORAM : C. V. BHADANG, J.

DATE : JANUARY 6, 2020

PC :

1. The challenge in this petition is to the order dated 22nd February, 2017 passed by Hon’ble Minister of Co-operation thereby setting aside the order passed by the Divisional Joint Registrar on 21.5.2012 the District Deputy Registrar on 1.3.2011 directing the Respondent No. 5 to amend bye-laws (1) and (4) and to delete the word “bank” from its name. Respondent No. 5 was prohibited from making use of the word “bank” in its name as the fifth Respondent was a primary agricultural credit co-operative society. By virtue of amendment of bye-law (4), the area of operation of fifth Respondent was restricted to a single taluka i.e. Hupri, taluka Hatkanangale in district Kolhapur.

2. I have heard the learned counsel for the parties and perused record.

3. At the outset, it is necessary to note that the Petitioner is not at all connected with the fifth Respondent in any manner. The Petitioner is admittedly not a member / shareholder of the fifth Respondent. The District Deputy Registrar acting on the basis of a complaint filed by the Petitioner under S. 14(2) of the Maharashtra Co-operative Societies Act, 1960 had taken the aforesaid action of directing the fifth Respondent to amend bye-law Nos. 1 and 4.

4. In the first instance, I find that the Petition has absolutely no locus to move any such application. Secondly, a perusal of the impugned order dated 22nd February, 2017 passed by the Hon'ble Minister of Co-operation shows that earlier there was a similar complaint, of which cognizance was taken by the Reserve Bank of India, in which an explanation was sought from the fifth Respondent. Reserve Bank of India after considering the same had by a communication dated 23rd March, 1998 stated that it was satisfied with the clarification furnished by the fifth Respondent. Learned counsel for the Petitioner in all fairness did not dispute that Banking Regulation Act, 1949 is not applicable to the fifth Respondent. Thus, even otherwise, it is difficult to accept as to how a licence under the Banking Regulation Act, 1949 can be insisted upon.

A perusal of the impugned order shows that it does not suffer from any infirmity, so as to require interference under the extraordinary / supervisory jurisdiction of this Court under Article 226 / 227 of the Constitution of India. The petition is without any merit and is accordingly dismissed with no order as to costs.

Sd/-
C. V. BHADANG, J.

Vinayak Halemath

Vinayak P. Halemath

Digitally signed by Vinayak P. Halemath
Date: 2020.01.07 16:19:00 +0530