

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

Writ Petition No.968 of 2016 (Rajaram Ginning and Pressing Sahakari Sanstha Maryadit Vs. State through Secretary Cooperation and Textile Department and Ors.)
With - Writ Petition No.969 of 2016 (Kalmeshwar Shetkari Sahakari Ginning and Pressing Sanstha Vs. State Through Secretary Cooperation and Textiles Department & Ors.)

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

Court's or Judge's orders

Mr. V.D. Darne, Advocate for the petitioner
Mrs. H.N. Prabhu, AGP for the respondents No.1 to 4.
Mr. Neeraj Karade h/f Mr. F.T. Mirza, Advocate for respondent No.5.

CORAM : MANISH PITALE, J.

DATED : JANUARY 14, 2020

By these two writ petitions, the petitioners have challenged final orders passed by the respondent No.4 – The Assistant Registrar Cooperative Societies under Section 102(2) of the Maharashtra Cooperative Societies Act, 1960.

2. One of the grievances raised on behalf of the petitioners is that no opportunity of hearing was granted to them before passing impugned orders, despite the fact that the aforesaid provision i.e. Section 102(2) of the aforesaid Act, specifically mandates that the concerned authority shall give an opportunity of hearing to the Society before passing the final orders of winding up.

3. The learned AGP appearing on behalf of the respondents submitted firstly, that an alternative

remedy of filing revision under Section 154 of the said Act was available to the petitioners and that, therefore, the writ petitions ought not to be entertained and secondly, that the impugned orders in both the cases clearly states that opportunity of hearing was granted to the petitioners and yet they did not avail the said opportunity. This Court is of the opinion that the present writ petitions can be disposed of in view of alternative remedy available to the petitioners. In fact, in the case of the petitioner in Writ Petition No.968 of 2016, on an earlier occasion when such order was passed of winding up, a revision application had been indeed preferred under Section 154 of the aforesaid Act.

4. In view of above, without commenting on the merits of the impugned orders passed in the cases of the petitioners herein, the writ petitions are disposed of with liberty reserved to the petitioners to move revision applications under Section 154 of the aforesaid Act within a period of three weeks from today. The interim orders passed in favour of the petitioners in both the writ petitions are continued for a period of three weeks from today.

5. It is made clear that on expiry of period of three weeks from today, the interim orders shall stand vacated.

JUDGE