

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
956 WRIT PETITION NO.3684 OF 2021**

RAHUL UTTAMSING PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. D. S. Bagul, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

...

CORAM : S. V. GANGAPURWALA &

SHRIKANT D. KULKARNI, JJ.

DATED : 24th FEBRUARY, 2021.

PER COURT:-

1. We have heard Mr. Bagul, learned counsel for the petitioner and learned A.G.P.

2. This is the second round before this Court after filing of the application under Section 11 of Maharashtra Co-operative Societies Act by the petitioner.

3. Initially the application filed by the petitioner was disposed of on the ground that no provision of Appeal is stated. The petitioner filed writ petition before this Court. This Court directed the Authority to hear the petitioner regarding the maintainability of the petition and if the Authority finds that the proceedings are maintainable, then after hearing all parties interested that would be affected shall take decision on merits.

4. The Authority under the impugned order has rejected the application with liberty to file the

fresh application on the ground that those persons whose membership is assailed are not parties in the application.

5. The petitioner had given the list of all those persons alongwith the application. In fact, those could have been considered as respondents and notices could have been issued to all those persons by the Authority concerned. The respondent has taken hyper-technical approach.

6. In light of that, the impugned order is quashed and set aside.

7. The Authority shall consider the names annexed by the petitioner to the application as respondents. Issue notice to them and thereafter decide the said application after hearing all parties concerned and considering the grievance of the petitioner and defences of the respondents.

8. The petitioner shall appear before the Authority on 25.02.2021. The same shall be decided preferably within a period of 10 days from the date of appearance of the petitioner.

9. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE