

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5040 OF 2021

Rahul Uttamsing Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri D. S. Bagul, Advocate h/f Shri Nilesh N. Desale, Advocate
for the Petitioner.

Shri P. N. Kutti, A.G.P. for Respondent Nos. 1 to 3.

Shri D. B. Thoke, Advocate for the Respondent No. 4.

Shri Shailesh P. Brahme, Advocate for the Intervenor.

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

DATE : 24TH MARCH, 2021.

FINAL ORDER :

. The order is passed U/Sec. 11 of the Maharashtra Co-operative Societies Act, 1960 (for short “Act of 1960”).

2. Mr. Bagul, the learned advocate for the petitioner submits that, further order is not passed thereby removing names of 156 persons, whose names are mentioned in the Schedule – B of Order dated 15.03.2021.

3. Mr. Brahme, the learned counsel for the intervenor and Mr. Thoke, the learned advocate for the respondent No. 4/society submit that, further process is required to be followed. One month period is required to be given as per Sec. 22(1)(B) r/w Sec.

25-A of the Act of 1960.

4. Mr. Brahme, the learned advocate for the petitioner submits that, the persons aggrieved by the order of the Assistant Registrar dated 15.03.2021 have preferred appeal and the appeal is subjudice.

5. In the present matter, we are not entering into the merits of the contentions of the parties. The parties are at liberty to avail the remedy as may be permissible under law. The petitioner has already approached the respondent No. 2 by filing application for removal of the names of those 156 members. The authority certainly will adhere to the procedure as prescribed U/ Sec. 22(1)(b) and Sec. 25-A of the Act of 1960 and decide the same in accordance with law and expeditiously. The decision be taken expeditiously. The same shall be decided expeditiously and preferably before the elections are held. The parties are expected to co-operate.

6. It is made clear that, the proceedings to be taken up by the authorities pursuant to the order dated 15.03.2021, certainly would not affect rights of the aggrieved parties who have already filed appeal and the appeal certainly would be decided on its own merits without being influenced by the contentions of the parties in the present writ petition. All contentions of the parties are kept open. Certainly legal procedure will have to be adhered and the procedure as contemplated under the statute and rules will have to be

followed.

7. In the light of the above, the writ petition is disposed of.
No costs.

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

bsb/March 21