

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1125 OF 2021

Akash Shahaji Patil & Anr.	.. Petitioners
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr.Surel S. Shah for the petitioners.
Mrs.A.A.Purav, AGP for the respondent no.1-State.

**CORAM : R.D. DHANUKA
V.G. BISHT, JJ.
DATE : 9th APRIL 2021**

P.C.:-

. By this petition filed under Article 226 of the Constitution of India, the petitioners who are members of the respondent no.2 society and who have been classified as non-active members in view of Section 26 of the Maharashtra Co-operative Societies Act, 1960 have filed this petition for declaration that the proviso to Section 27 (1A) of the said Act introduced by virtue of Maharashtra Co-operative Societies (Second Amendment) Ordinance 2020 is also applicable to the provision to Section 26.

2. Mr.Shah, learned counsel for the petitioners, on instructions, states that if the respondent no.1 considers this petition as a representation and decides the said representation in accordance with law, his client would not press prayer clauses (A) and (B). Learned AGP seeks time take instructions.

3. Since we are of the view that the respondent no.1 can be directed to consider this petition as a representation and to pass an appropriate order whether suitable amendment to Section 26 of the Maharashtra Co-operative Societies Act, 1960 with retrospective effect can be done or not, no purpose would be served in adjourning the matter.

4. We accordingly pass the following order :-

(i) State Government is directed to treat this petition as a representation on behalf of the petitioners and to consider whether to amend Section 26 of the Maharashtra Co-operative Societies Act, 1960 as canvassed in the said petition.

(ii) The respondent no.1 is directed to pass an order in accordance with law within eight weeks from today and to convey the said order to the petitioners. If the petitioners are still aggrieved by the order passed by the State of Maharashtra, the petitioners would be at liberty to file appropriate petition.

(iii) We make it clear that this Court has not expressed any views on merit of the petition or issues raised in the petition. All contentions of both the parties are kept open.

(iv) Writ petition is disposed of in aforesaid terms. Parties to act on the copy of this order duly authenticated by the Sheristadar of this Court.

V.G. BISHT, J.

R.D. DHANUKA, J.