

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3621 OF 2021**

Mr. Ganesh D. Tikhe,	]	Petitioner
Vs.		
The State of Maharashtra	]	
Through the Hon'ble Minister for	]	
Co-operative Societies, Mantralay,	]	
Mumbai and others.	]	Respondents

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Mr. S.P. Chavan, for Petitioner.

Mr. V.S. Gokhale, 'B' Panel Advocate for Respondents No.1 and 2-State.

Mr. Kishor Patil a/w Mr. Amar D. Parsekar, for Respondent No.3-Society.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 3rd AUGUST, 2021.

P.C.

1. Heard learned Counsel for the parties.
2. Learned Counsel for the respondents waive service.

**SHAILAJA
SHRIKANT
HALKUDE**

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3. Rule.

4. By consent of learned Counsel for the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

5. By this petition under Article 226 of the Constitution of India, the petitioner is seeking direction against respondents No.1 and 2 to issue appropriate directions under Section 78 and/or Section 78A of the Maharashtra Co-operative Societies Act, 1960 and to take action against respondent No.3-Society.

6. Mr. Chavan, learned Counsel appearing on behalf of the petitioner submits that the petitioner made application dated 15th June, 2021 (Page 22 of the petition) with the Additional Registrar Co-operative Credit Societies, Pune for taking appropriate action against respondent No.3-Society under section 78A of the Maharashtra Co-operative Societies Act and the same is pending without taking any action on the same. Hence, the petitioner has filed the present writ petition.

7. Mr. Patil, learned Counsel appearing on behalf of respondent No.3 submits that they also filed Writ Petition No.3121 of 2021 before this Court for direction to respondents No.1 and 2-Authority to conduct the election of the petitioner-society immediately and till that time, not to take any coercive action against them. He submits that on 20th July, 2021, learned A.G.P appearing on behalf respondents No.1 and 2-Authority pointed out this Court that in view of the letter dated 20th April, 2021, there is no question of

allowing prayer in the said writ petition i.e to conduct election of the society. He submits that State of Maharashtra already postponed election of all the Co-operative Societies till 31st August, 2021.

8. Mr. Chavan, learned Counsel appearing on behalf of the petitioner submits that in view of the direction of the State of Maharashtra, this Hon'ble Court be pleased to direct respondents No.1 and 2-Authority not to take any coercive action against respondent No.3 under Section 78-A of the said Act for not holding election.

9. Considering the submissions made by learned Counsel for the parties, as the prayer made in the present petition is that respondents No.1 and 2-Authority to take appropriate steps as per his letter dated 15th June, 2021, the petition can be disposed of with following directions. Hence, the following order;

: ORDER :

(a) Respondents No.1 and 2 to take appropriate steps to decide the petitioner's application dated 15th June, 2021 (Page 22 of the Petition) on it's own merits after hearing both the sides;

(b) It is made clear that respondents No.1 and 2-Authority should not take any action against respondent No.3-Society for not holding elections in view of the letter dated 28th April, 2021 issued by the State of Maharashtra

postponing election of all the Co-operative
Societies till 31st August, 2021;

(c) All contentions of the parties are kept open.

(d) Writ Petition stands disposed of.

(e) No order as to costs.

10. Parties to act upon authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]