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

921 WRIT PETITION NO.5209 OF 2022

**VINAYAK DRONAGIRI GOSWAMI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH ITS
SECRETARY AND OTHERS**

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Mr U. R. Awate, Advocate h/f Talekar & Associates for
petitioner;

Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 14th June, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (A) and (B),
which read as under :

“A. To direct the respondent No. 3 to appoint an Administrator or Committee of Administrators as per the provisions of Section 78A of the Maharashtra Co-operative Societies Act, 1960 to manage the affairs of the Parner Taluka Sainik Sahakari Bank Ltd., Parner within a period of 4 weeks, by issuing a writ of mandamus or any other appropriate writ, order or direction, as the case may be;

B. To direct the respondent No. 4 not to conduct election until an Administrator or a Committee of Administrators have been appointed by the Registrar of the Co-operative Societies to overlook the election

(2)

process of the respondent No. 5 Bank, by issuing a writ of mandamus or any other appropriate writ, order or direction, as the case may be;”

2. The petitioner claims to be a founder member of the Parner Taluka Sainik Sahakari Bank Ltd., Parner. His grievance is that the Board of Directors of the Bank are indulging in nefarious activities. Couple of first information reports have been registered against them. A report has been delivered under Section 78A of the Maharashtra Co-operative Societies Act, 1960.

3. The petitioner informs us that, before approaching this Court for issuance of a writ, he has approached respondent No.3 vide his representation dated 03/02/2022, seeking appointment of an Administrator on the Bank. The said representation is still pending and that has prompted the petitioner to approach this Court.

4. The learned A.G.P. submits that, if this Court directs, the representation could be decided within a particular time frame.

5. It is a sorry state of affairs that the litigants have to approach this Court for seeking a direction to the statutory authorities to exercise jurisdiction duly vested in such authorities by law.

(3)

Respondent No.3, occupying a high position of the Commissioner of Co-operation, should have decided the representation with promptitude. We record our serious displeasure on his conduct of not deciding the representation, thereby compelling the petitioner to approach this Court.

6. In view of the above, this petition is disposed off, with a direction to respondent No.3, to decide the pending representation filed by the petitioner, dated 03/02/2022, by (a) issuing notice to the contesting parties, (b) grant them a reasonable opportunity of hearing and (c) strictly in accordance with the procedure laid down in Section 78A of the Maharashtra Co-operative Societies Act, 1960.

7. We direct the learned Registrar (Judicial) of this Court, to place a copy of this order before the Secretary, Co-operation, Marketing and Textile Department, Mantralaya, Mumbai, to note the conduct of respondent No.3.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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