

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

WRIT PETITION NO.4559 OF 2022

**SHRI. ABASAHEB VYANKOJI ENGULWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Dr. Sahebrao G. Nandedkar
AGP for Respondents – State : Mr. S. B. Pulkundwar
Advocate for Respondent No.2 : Mr. A. N. Nagargoje
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th OCTOBER, 2022

PER COURT :

1. Petitioners applied for membership of respondent No.2 Society. However, they were given nominal membership, for which they never applied for and though petitioners requested Society to give them active membership, the Society never accepted said request. Petitioners approached various authorities for redressal of their grievance, and thereafter approached respondent No.4 seeking direction to respondent No.2 Society to give share certificate and regular membership to petitioners. However, respondent No.4 has not passed order on Application No.134/2022 filed by petitioners, on merits. Hence, the present petition.

2. Learned Assistant Government Pleader, on instructions, submits that petitioners have filed joint application, without mentioning appropriate provision under which they approached

respondent No.4. They did not deposit requisite fees. Therefore, respondent No.4 has not passed order on merits. He further submits that, if the petitioners file separate applications under relevant provision and paying requisite court fees, applications of petitioners will be considered on merits by respondent No.4.

3. By accepting the statement made by learned Assistant Government Pleader, the impugned order is quashed and set aside. Petitioners are granted liberty to apply afresh to respondent No.4 by making individual applications under appropriate provision of the Maharashtra Cooperative Societies Act, 1960 and paying requisite court fees. If such applications are filed, the same shall be decided by respondent No.4, by giving opportunity of hearing to the concerned parties, within a period of four weeks from the date of receipt of applications.

4. With these directions, writ petition is disposed of.

(NITIN B. SURYAWANSHI, J.)