

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

47 WRIT PETITION NO.7668 OF 2022

**LIMBAJI NANA KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. K. J. Suryawanshi
AGP for Respondents/State : Mr. S.K. Tambe
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : AUGUST 18, 2022.

PER COURT :

1. The petitioner has put forth prayer clause 'B', which reads as under :-

B] By issuing writ of mandamus, or any other appropriate writ, order or directions in the like nature, the respondent no.2 and 3 may kindly be directed to include the names of concern members in the list of members as per order dated 6.9.2021 issued by the respondent no. 2.

2. The petitioner, therefore, desires that Court should direct respondent no. 3, a private co-operative society, to implement a decision arrived at by the Assistant Registrar, Co-operative Societies, Pathardi, District Ahmednagar, by issuing a writ of mandamus.

3. Respondent no. 3 is not covered by Article 12 of the Constitution of India. A Writ of mandamus can be issued when a statutory authority fails to discharge it's duties in accordance with jurisdiction duly vested in it by law. Seeking execution of an order

passed by the Assistant Registrar against the Co-operative Society to include 321 members as it's voters, cannot be a subject matter of the extra ordinary jurisdiction of this Court under Article 226 of the Constitution.

4. In view of the above, this petition is disposed off.

5. Needless to state, the petitioner would have liberty to avail of a remedy, as may be permissible in law.

6. At this juncture, the learned advocate for the petitioner submits that the Assistant Registrar may atleast deal with the pending representation with regard to the order passed by him.

7. The learned AGP submits that if such representation is tendered or is pending, the competent authority would deal with the same expeditiously and in accordance with the provisions of law.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/