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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8205 OF 2022**

Shree Bhaveshwari Grameen Bigarsheti
Sahakari Patsanstha Ltd.
Senapati Kapashi

.... Petitioner.

V/s

The Hon'ble Minister for Co-operation
and Ors.

.... Respondents.

Mr. Kishor Patil i/b Anand Patil for the Petitioner.
Mr. S.D. Rayrikar, AGP for Respondent Nos. 1 to 3.
Mr. S.S. Patwardhan for Respondent No.4.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 12, 2022

P.C.:-

1] The order impugned is dated 23rd June, 2022 passed by the State Minister for Co-operation whereby effect and operation of the order dated 8th March, 2022 passed by Divisional Joint Registrar, Cooperative Court came to be stayed. As a sequel of aforesaid stay, order passed by the District Deputy Registrar on 4th February, 2022 is given effect to, as a consequence of which Respondent No.4 is permitted to be continued as a member of the Petitioner-Society.

2] Contentions of Mr. Patil, learned Counsel for the Petitioner are, order impugned is not a speaking order, as facts, evidence or material placed on record is not considered and dealt with. He has invited my attention to the order passed by the Judge, Cooperative Court No.1 in C.C.S. No.210 of 2022 below Exhibit-5 dated 28th April, 2022 so also order of the Cooperative Appellate Court delivered on 10th June, 2022 in A.O. No.13 of 2022 in which there are 466 Appellants and Respondent No.4 herein is Appellant No.43 in the said A.O.

3] While countering the aforesaid submissions, Mr. Patwardhan, learned Counsel for Respondent No.4 would urge that proceedings before the Cooperative Court and Cooperative Appellate Court are pursuant to the provisions of Section 35 of the Maharashtra Cooperative Societies Act, whereas order impugned is in accordance with the provisions of Section 25A of the said Act. He would further urge that effect of the order of the Divisional Joint Registrar is, members who were enrolled way back in 2015 would not be allowed to continue as members of the Petitioner-Society. He would urge that the order impugned is just and proper. However, maintaining the said

order, State Government can be directed to pass a detail order.

4] The learned AGP would support the order impugned.

5] I have appreciated the aforesaid submissions.

6] State Government while passing the order though has recorded that Counsel for Respondent No.4 has argued the matter, however, evidence on record has not been considered, except writing one line order of granting stay. The order impugned sans reasons and the same cannot be justified by oral submissions as is sought to be canvassed by the Counsel for Respondent No.4. The orders of the Cooperative Court and Cooperative Appellate Court were expected to be dealt with by the State Government while passing the order impugned which it has failed to.

7] That being so, order impugned dated 23rd June, 2022 is hereby quashed and set aside.

8] Parities hereto agree that they shall appear before the State Government on 18th July, 2022.

9] This Court expects the State Government to pass appropriate orders in pending proceedings at the behest of Respondent No.4 as referred to above, expeditiously.

10] Petition stands partly allowed in the aforesaid terms.

(NITIN W. SAMBRE, J.)