

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 429 OF 2022

Sudhir Shantaram Deshmukh

Vs.

Divisional Sub Registrar, Cooperative Society, Amravati and Ors.

AND

WRIT PETITION NO. 430 OF 2022

Arun Pudalikrao Deshmukh

Vs.

Divisional Sub Registrar, Cooperative Society, Amravati and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Deepali V. Sapkal, Advocate for petitioner in both
petitions.

Ms. T.H. Khan, AGP for respondent Nos.1 & 2 in both
petitions.

CORAM : MANISH PITALE J.

DATE : 05.07.2022.

By the present petitions, individuals have approached this Court challenging orders of winding-up of respondent No.3 – Societies, passed by the respondent No.1–Divisional Sub-Registrar, Co-operative Society, Amravati, by exercising powers under the provisions of the Maharashtra Co-operative Societies Act, 1960, particularly Section 102 thereof. It is significant that the petitioners before this Court, who are individuals are claiming to be the Presidents of the respective respondent –

Societies, at the time of winding-up of the Societies, whereas the Societies have chosen not to challenge the impugned orders.

2. The learned counsel for the petitioners submitted that in the present case, there were procedural infirmities in the manner in which the impugned orders were passed by respondent No.1 under Section 102 of the aforesaid Act. It was submitted that enquiry, as contemplated under the provisions of the said Act, was not conducted and that therefore, the impugned orders deserve to be set aside.

3. On the other hand, the learned AGP has placed documents on record, which would show that in the proceedings while passing the interim and final orders, the Societies were heard through Office bearers and thereupon the orders of winding up of Societies were issued. By placing reliance on the reply-affidavits filed in these petitions, the documents placed before this Court and the findings recorded by respondent Nos.1 and 2, the learned AGP submitted that there was no substance in the contentions raised by the petitioners, and therefore, no interference was warranted.

4. This Court has perused the material on record. Only the individual petitioners have challenged the orders. It is significant that despite service, the respondent – Societies have chosen not to appear before this Court. Therefore, this Court is not inclined to consider the challenge to the impugned orders at the behest of the individual petitioners. Even otherwise, it is evident from the impugned orders of winding-up of the societies under Section 102 of the said Act that the respondent – societies have not pursued the objects of the societies but they failed to do so, rendering them virtually defunct. There were huge accumulated losses. The respondent No.1 had called for explanation and conducted enquiry complying with the principles of natural justice. Therefore, no case is made out for interference at the behest of the petitioners.

5. Accordingly, the writ petitions are dismissed.

JUDGE