

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1884 OF 2022

(Hemant s/o Kawaduji Pusam and others Vs. The Divisional Joint Registrar,
Co-operative Societies, Nagpur and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P. S. Wathore, Advocate for Petitioners.
Ms. T. H. Khan, AGP for Respondents 1 2/State.

CORAM: ROHIT B. DEO, J.

DATE: 6th APRIL, 2022.

This petition is preferred by the employees of the Anand Niketan Mahavidyalaya, Warora, District Chandrapur who are also members of the Anand Niketan Mahavidyalaya Employees Co-operative Credit Society (Society) challenging the order dated 07.06.2021 rendered by the Divisional Joint Registrar, Co-operative Societies, Nagpur in Appeal 40/2020 and Appeal 44/2020, whereby the appeals are allowed and the action initiated against certain office bearers of the Society under Section 88 and 98 of the Maharashtra Co-operative Societies Act, 1960 (Act) is held illegal. The Appellate Authority has further directed the office bearers of the Society and the Assistant Registrar to look into the Audit Report and the Special Report pertaining to the year 2013-2015 and to then effect recoveries from the members who are in arrears of the loan amount.

2. In my considered view, the petition is liable to be

dismissed on the short ground that the employees of the Society have no locus as such to challenge the order impugned.

3. Mr. Wathore, the learned counsel would submit, inviting my attention to certain recovery notices issued by the Society to the petitioners, that the recovery action initiated by the Society furnishes a cause of action. The submission is noted only for rejection. The direction issued by the Appellate Authority was to examine the record and to effect recovery in accordance with law. If according to the petitioners the amount which is claimed from them is not due and payable to the Society, the petitioners certainly have an appropriate remedy of preferring a dispute under Section 91 of the Act. The fact that recovery proceedings are initiated on the premise that the petitioners have not repaid the loan cannot furnish a cause of action to challenge the orders impugned.

4. The petition is dismissed.

JUDGE

NSN