

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

902 WRIT PETITION NO.4353 OF 2023

**VEEJ TANTRIK KAMGAR SAHAKARI PATSANSTHA
LIMITED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the petitioner : Mr.V.D.Hon, Senior Advocate
i/b.Mr.A.V.Hon

AGP for Respondent-State : Mr.K.B.Jadhavar

Advocate for the respondent no.3 : Mr.V.H.Dighe

Advocate for Respondent nos.4 to 7 : Mr.S.S.Thombre

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18.04.2023

P.C. :

1] The petitioner is a co-operative Society and the society had initiated action under Rule 45 [2] of the Maharashtra Co-operative Societies Rules, 1961, against 241 members for not having given declaration as required in Form-K and their membership has been cancelled on 28.08.2022.

2] The process for removal was undertaken prior to 28.08.2022 and the notices were issued for removal of membership. Thereafter, the petitioner society has passed order removing the membership of 241 members. Some of the removed members had filed dispute before the Co-operative Court and the prayer for interim relief in the said dispute was rejected by the Co-operative court. Thereafter, against the said order, an appeal was preferred and same was also rejected by the Appellate Authority.

3] Thereafter, the respondent nos. 4 to 7 had filed revision application before the Hon'ble Minister, challenging the communication dated 12.04.2022 issued by the Additional Registrar [Pat Sanstha]. By the order dated 03.04.2023, the Hon'ble Minister has passed ad-interim order in the revision application thereby stayed the communication dated 12.04.2022. Against the said order, the present Writ Petition is filed by the petitioner.

4] The learned counsel for the petitioner submits that removal of the membership of the members were already taken place and the impugned order of the Minister granting stay to the communication dated 12.04.2022 is meaningless and the membership of the member is already removed. The learned counsel further submits that in view of the order passed by the Minister, the same is produced now before the Election Authority and inclusion in the voters list is sought by the members who are already removed from the membership of the society and the elections to the society are going on and the voters list is to be finalized on 24.04.2022.

5] At this stage, it would not be appropriate to entertain the present Writ Petition as the order passed by the Hon'ble Minister is ad-interim in nature. Accordingly, the petitioner is permitted to seek recall / modification of its earlier order before the Hon'ble Minister. The petitioner is also permitted to point out the order of interim stay is meaningless as the membership is already cancelled.

6] Perusal of the order of the Hon'ble Minister, it indicates that the Hon'ble Minister has passed the impugned interim order on the basis of the submission that the membership was yet to be cancelled since submission was made before the Hon'ble Minister that in the event communication dated 12.04.2022 is not stayed, the applicants in revision application would lose their membership.

7] The learned counsel for the petitioner submits that the membership is already cancelled and the amount is refunded back. The learned counsel for the respondent submits that the issue of removal of membership can be raised before the Election Authority and if the objections raised before the election authority, the election authority can take appropriate decision on the said objections.

8] Thus, all objections raised by the petitioner to be considered by the election authority.

9] The Writ Petition is disposed of with above observations.

[ARUN R. PEDNEKER]
JUDGE

DDC