

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

WRIT PETITION NO. 10655 OF 2023

Gangakhed Taluka Shetkari Dhanya
Adhikosh Seva Sahkari Sanstha
Gangakhed .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 28 AUGUST 2023.**

FINAL ORDER :

. Heard.

2. The petitioner society which is apprehending an order of the Registrar for winding up the society pursuant to the provisions of Section 102 of the Maharashtra Co-operative Societies Act, 1960 (for short "Act of 1960") is before us.

3. The learned advocate for the petitioner takes us through the papers to demonstrate that already steps have been initiated by the respondent Nos. 2 and 3 towards passing of the order under Section 102 of the Act of 1960. He would submit that the petitioner society has been functioning for all practical purposes

and no circumstance exist which would enable the respondent Nos. 2 and 3 to pass any order under that provision of the Act of 1960. He would further submits that in the light of the decision in the matter of **Chandrapur Zilla Sahakari Krushi and Gramin Bahuudeshiya Development Bank Ltd. Vs. State of Maharashtra, 2004(1) Mh.L.J. 232**, even an interim order for winding up contemplated U/Sec. 102 of the Act of 1960 requires an opportunity of being heard to be extended to the concerned society.

4. The learned Additional Government Pleader submits that the petition is premature. No final order has been passed. The impugned communication dated 31 July 2023 merely directs the subordinates to undertake scrutiny/enquiry so that interim order can be passed U/Sec. 102 of the Act of 1960. Only a report has been solicited. There is nothing to demonstrate that the respondent Nos. 2 and 3 would not be following the law and would pass some order.

5. It does appear that the respondent Nos. 2 and 3 have initiated steps ultimately foreseeing some orders to be passed in respect of number of societies for winding up U/Sec. 102 of the Act of 1960. It also appears that the Division Bench of this Court in the matter of **handrapur Zilla Sahakari Krushi and Gramin Bahuudeshiya Development Bank Ltd. Vs. State of Maharashtra** (supra) has observed that even before passing an interim order under that provision, principles of natural justice have to be

followed. However, simultaneously, there is nothing to demonstrate that the respondent Nos. 2 and 3 would pass some order contrary to these principles.

6. In the circumstance, in our considered view, it would be appropriate that the petitioner is granted an opportunity to approach the respondent No. 2 with a request to extend an opportunity of being heard before passing any interim order.

7. We dispose of the writ petition with opportunity to the petitioner to approach the respondent No. 2 as mentioned hereinabove.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23