

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

WRIT PETITION NO. 12137 OF 2023

Suresh S/o Ambadasrao Warpudkar
Versus

...Petitioner

1. Divisional Joint Registrar
Co-Op Societies, Aurangabad Division
Aurangabad.
2. District Deputy Registrar,
Co-operative Societies, Parbhani.
3. Assistant Registrar,
Co-operative Societies,
Parbhani.
4. District Special Account Auditor,
Class-I, Co-op. Societies, Parbhani.
5. Parbhani District Central
Co-op. Bank Limited Parbhani,
Station Road, Shivaji Chowk,
Parbhani, Through its Managing Director,
6. Vividh Karyakari Seva Sahakari,
Society Limited, Warpud,
Tq. & Dist. Parbhani, Through its Secretary.
7. Vividh Karyakari Seva Sahakari Society Limited,
Dhanora-Motya (B), Tq. Purna, Dist. Parbhani.
Through its Chairman,
Pandurang Laxman Dakore.

...Respondents.

...

Advocate for Petitioner : Senior Advocate Mr. R.N. Dhorde a/w Mr. M.P.
Tripathi i/by Mr. Uddhav Laxmanrao Momale
GP for Respondents/State : Mr. D.R. Kale
Advocate for Respondent No.5 : Mr. Gangakhedkar Shailendra S.

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 11 OCTOBER 2023

PER COURT :

. The disqualification proceeding resorting to the provision of 73 (CA)(f)(ii) of the Maharashtra Co-operative Societies Act, 1960, is pending before the Registrar.

2. We have heard the learned Senior Counsel Mr. Dhorde for the petitioner.

3. The petitioner is questioning the enquiry report submitted by the Auditor/respondent no.4 to the respondent no.1/Registrar.

4. The issue as to whether the petitioner/his society is a defaulter and has incurred a disqualification under the aforementioned provision is a matter which is directly and substantially in issue before the Registrar /respondent no.1. This Court in exercise of power under Article 226 cannot undertake any scrutiny as to the correctness or otherwise of the report submitted by the respondent no.4. Irrespective of the conclusions drawn by the respondent no.4, whether the petitioner/his society has incurred the disqualification is a matter which

will have to be decided by the respondent no.1.

5. Since the petitioner is coming with a limited prayer, questioning the report submitted by the respondent no.4 to the respondent no.1 of which we cannot undertake scrutiny by resorting to Article 226 of the Constitution, we dispose of the writ petition keeping open all the issues.

6. Needless to state that it would always be open for the petitioner to question the report submitted by the respondent no.4 and to satisfy the respondent no.1 as to how in spite of the report he/his society has not incurred the disqualification.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.