

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1347 OF 2023

Uttam Ganpat Thorat and Anr.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

**WITH
WRIT PETITION NO.3857 OF 2023
WITH
WRIT PETITION NO.1348 OF 2023
WITH
WRIT PETITION NO.1506 OF 2023
WITH
WRIT PETITION NO.1350 OF 2023
WITH
WRIT PETITION NO.1349 OF 2023
WITH
WRIT PETITION NO.1356 OF 2023
WITH
WRIT PETITION NO.1357 OF 2023**

Mr. Surel Shah a/w. Mr. Sachin Gite and Mr. Patwardhan for petitioners.
Mr. Deelip Patil Bankar, Chief Standing Counsel for SCEA - respondent no.4.
Mr. Kishor Patil i/b. Mr. Pratik Rahade for respondent no.5.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 17th APRIL 2023**

PC. :

1 At the outset, Mr. Shah seeks leave of the Court to delete respondent nos.6 to 18.

2 Leave granted. Amendment to be carried out during the course of today. Re-verification dispensed with.

3 Petitioners are impugning an order dated 23rd June 2022 passed by the Co-operative Minister in revision applications mentioned hereinbelow :

(1) WRIT PETITION NO.1347 OF 2023 – REVISION APPLICATION NO.608 OF 2021

(2) WRIT PETITION NO.1348 OF 2023 – REVISION APPLICATION NO.611 OF 2021

(3) WRIT PETITION NO.1349 OF 2023 – REVISION APPLICATION NO.606 OF 2021

(4) WRIT PETITION NO.1350 OF 2023 – REVISION APPLICATION NO.610 OF 2021

(5) WRIT PETITION NO.1356 OF 2023 – REVISION APPLICATION NO.605 OF 2021

(6) WRIT PETITION NO.1357 OF 2023 – REVISION APPLICATION NO.607 OF 2021

(7) WRIT PETITION NO.1506 OF 2023 – REVISION APPLICATION NO.609 OF 2021

(8) WRIT PETITION NO.3857 OF 2023 – REVISION APPLICATION NO.608 OF 2021

4 By the impugned order, the Co-operative Minister has changed the classification of respondent no.5 society. Respondent no.5 was registered on 11th June 2021 as service society and sub-classified as service resource society as per Section 12(1) read with Rule 10(1) of the Maharashtra Co-operative Societies Rules, 1961. According to petitioners, if the classification or sub-classification has to be changed, there are certain mandatory requirements that has to be followed. Those mandatory

requirements are as per the Government Resolution dated 23rd September 2013 read with Corrigendum dated 14th February 2017. By way of an amendment, which was permitted by this Court on 6th April 2023, petitioners have set out in the petition the criteria prescribed in the Government Resolution and the Corrigendum. Ofcourse before this amendment was carried out, the State had filed an affidavit justifying the decision taken by the Minister. After the amendment, when petitioners set out the rigours of the mandate of the Government Resolution that has to be mandatorily followed, the State has filed another affidavit of one Fayaj Mulani, Deputy Registrar, Co-operative Societies, Nashik affirmed on 6th April 2023, in which paragraphs 4 and 5 read as under :

4. With reference to L1 of the petition, I have to place on record that the Government of Maharashtra had issued a Government Resolution dated 23.9.2013 and Corrigendum dated 14.2.2017 for registration of an Agricultural Credit Society and prescribed certain mandatory requirement. Hereto annexed and marked as Exhibit 1 Colly. are the copies of Government Resolution dated 23.9.2013 and Corrigendum dated 14.2.2017.

5. I say that stipulation mentioned in Government Resolution dated 23.9.2013 and Corrigendum dated 14.2.2017 are mandatory in nature. However, the Respondent No.5 Society does not comply with the said stipulations. It is also true that the Society has not got any approval from the committee established as per Clause 5 of the Govt. Resolution dated 23.9.2013.

5 In the circumstances, the impugned order dated 23rd June 2022 passed by the Co-operative Minister in revision applications mentioned in paragraph 3 above are quashed and set aside. Any consequential actions

taken in view of the impugned order dated 23rd June 2022 also will have to be struck down and are hereby struck down.

6 All petitions disposed accordingly.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)