

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

WRIT PETITION NO. 2266 OF 2023

- 1) **MOZARI SEWA SAHAKARI SOCIETY,**
A registered Co-operative Society,
bearing Registration No.15, through its
President Mr. Premraj S/o.
Chandrabhanji Banarase, Aged – 55
Years, having office At Post – Mozari,
Tahsil – Tiwasa, District – Amravati
(Maharashtra State)
- 2) **VARKHED SEWA SAHAKARI SOCIETY,**
A registered Co-operative Society,
bearing Registration No.1058, through
its President Mr. Shrikantrao S/o.
Bhagwantrao Boke, aged – 53 Years,
having office At Post – Varkhed, Tahsil –
Tiwasa, District – Amravati
(Maharashtra State)
- 3) **SHENDOLA SEWA SAHAKARI
SOCIETY,** A registered Co-operative
Society, bearing Registration No.204,
through its President Mrs. Vithabai
W/o. Ashokrao Mandavgane, Aged –
65 Years, having office At Post –
Shendola (Kh), Tahsil – Tiwasa, District
– Amravati (Maharashtra State)
- 4) **FATTEPUR SEWA SAHAKARI SOCIETY,**
A registered Co-operative Society,
bearing Registration No.1057, through
its President Mr. Nareshrao S/o.
Tulsiram Lahane, Aged – 48 Years,
having office At Post – Shivangaon,
Tahsil – Tiwasa, District – Amravati
(Maharashtra State)

- 5) **VARAHA SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.839, through its Vice President Mr.Ranjit S/o. Chakradharrao Adsad, Aged-50 Years, having office At Post – Malegaon, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 6) **MARDI SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.713, through its President Mr. Umesh S/o Namdeorao Kalamkar, Aged -50 Years, having office At Post – Divankhed, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 7) **KAUDANYAPUR SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.1121, through its President Mr.Bharat S/o Bajiraoji Dhole, Aged-59 Years, having office At Post – Jahagirpur, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 8) **SHENDURJANA SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.1052, through its President Mr.Haribhau S/o Ukhandrao Pachghare, Aged-63 Years, having office At Post – Shendurjana (Kh), Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 9) **MASADI SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.1170, through its President Mr. Ashish S/o Manoharrao Polhad, Aged – 39 Years, having office At Post – Anjanwati,

Tahsil – Dhamangao Railway, District – Amravati (Maharashtra State)

- 10) **NIMBHORA SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.501, through its President Mr.Anil S/o Pundlikrao Punse, Aged – 48 Years, having office At Post – Nimbhora, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 11) **BHAMBORA SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.446, through its Vice President Mr.Mangesh S/o Madhukarrao Polhad, Aged – 42 years, having office At Post – Kavadgavan, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 12) **SATARGAON SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.1017, through its President Mr.Vivekrao S/o Baburao Deshmukh, Aged – 48 Years, having office At Post – Satargaon, Tahsil – Tiwasa, District – Amravati (Maharashtra State)
- 13) **MAMDAPUR SEWA SAHAKARI SOCIETY**, A registered Co-operative Society, bearing Registration No.1050, through its President Mr. Radheshyam S/o Janraoji Mahatme, Aged – 44 Years, having office At Post – Satargaon, Tahsil – Tiwasa, District – Amravati (Maharashtra State)

...Petitioners

Versus

- 1) **STATE OF MAHARASHTRA**, Through Principal Secretary, Ministry/ Department of Co-operation, Marketing & Textiles, Mantralaya, Mumbai – 400 032
- 2) **THE CO-OPERATIVE COMMISSIONER & REGISTRAR, CO-OPERATIVE SOCIETIES MAHARASHTRA STATE** having office at 5-B.J.Road, New Central Building, Pune – 411001 (Maharashtra State) Email ID – commcoop2011@gmail.com
- 3) **THE DISTRICT DEPUTY REGISTRAR, CO-OPERATIVE SOCIETIES, AMRAVATI**, having office at Sahakar Sankul, Kantanagar, Amravati, Tahsil & District – Amravati, (Maharashtra State) Email ID – ddr_amr@rediffmail.com
- 4) **THE ASSISTANT REGISTRAR, CO-OPERATIVE SOCIETIES, TIWASA**, having office at New Administrative Building, Tahsil Office Campus, Tiwasa, Taluka-Tiwasa, District - Amravati (Maharashtra State) Email ID – arcs.amr.tiwasa@gmail.com

... Respondents

Smt. Ayushi Dangre-Tripathi, Advocate for petitioners.

Shri. A. A. Madiwale, Assistant Government Pleader for respondents.

**CORAM : A. S. CHANDURKAR AND
M. W. CHANDWANI, JJ.**

DATED : APRIL 6, 2023

ORAL JUDGMENT (PER A.S. CHANDURKAR, J.) :

Rule. Rule is made returnable forthwith.
Shri Madiwale, learned Assistant Government Pleader waives notice for the respondents.

(2) The challenge raised in this writ petition is to the Show Cause Notices issued to each petitioner-Cooperative Society under Section 102 (1) of the Maharashtra Cooperative Societies Act, 1960. By the said notices, the petitioners have been called upon to show cause why each society should not be put in liquidation.

(3) It is urged by the learned Advocate for the petitioners that the Show Cause Notices have been issued ignoring the Circular dated 23.09.2013 issued by the Department of Cooperative Marketing and Textiles, whereby the modality of undertaking the process of reviving and strengthening the societies has been undertaken. It is urged that under the said Circular various steps are required to be first taken with regard to societies having Negative Net worth before proceeding to liquidate such societies. On the basis of

extraneous considerations, the impugned show cause notices have been issued.

(4) We find that under the Show Cause Notices, the Societies were called upon to submit their say and it is submitted that such replies have been submitted by the Societies.

(5) Our attention is invited to order dated 20.02.2023 passed in Writ Petition No.1135/2023 (Dattapur Seva Cooperative Society Limited, Dhamangaon Railway .vs. State of Maharashtra and others), wherein while permitting the statutory authority to adjudicate upon the show cause notice, protection for a period of two weeks from passing of an adverse order has been granted.

(6) We are inclined to follow the similar course. Accordingly, the following order is passed :

ORDER

- (i) It is open for the respondent no.4 to consider the reply given by each Cooperative Society to the impugned Show Cause

Notices issued to them.

(ii) In case any order adverse to the societies is passed in view of the impugned show cause notices, the same shall not take effect for a period of two weeks from the date of passing of such order.

(iii) Keeping all contentions on merits open, the writ petition is disposed of in the aforesaid terms. Rule accordingly. No costs

[M. W. CHANDWANI, J.]

[A. S. CHANDURKAR, J.]

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