

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4178 OF 2022

- 1) Ushabai Omprakash Jain,
Aged about 65 years, Occupation – Nil,
R/o Behind State Bank of India,
Shivaji Nagar, Digras, Tq. Digras,
District – Yavatmal.
- 2) Panjabrao Sakharam Ingale,
Aged about 62 years, Occupation – Nil,
R/o Gandhinagar, Digras, Tq. Digras,
District Yavatmal.
- 3) Jayant Prakashrao Vyawahare,
Aged about 36 years,
Occupation – Service,
R/o Rajnagar, Digras, Tq. Digras,
District Yavatmal.
- 4) Vijay Vitthalrao Vaijwade,
Aged about 58 years,
Occupation – Business,
R/o Near State Bank, Digras,
Tq. Digras, District Yavatmal.
- 5) Jitesh Babulal Kubre,
Aged about 44 years,
Occupation – Business,
R/o Near Karmamai Mandir,
Gawalipura, Digras, Tq. Digras,
District Yavatmal.
- 6) Sandip Babulal Kubre,
Aged about 41 years,
Occupation – Business,
R/o Near Karmamai Mandir,
Gawalipura, Digras, Tq. Digras,
District Yavatmal.

- 7) Rupabai Rameshrao Gawande,
Aged about 45 years,
Occupation – Household,
R/o Chincholi No.2, Digras, Tq.
Digras, District Yavatmal.
- 8) Dadarao Uddhavrao Chawake,
Aged about 67 years,
Occupation – Retired,
R/o Ambikanagar, Digras, Tq. Digras,
District Yavatmal.
- 9) Raja Nagayya Odepelli,
Aged about 63 years,
Occupation – Labour,
R/o Telangipura, Digras, Tq. Digras,
District Yavatmal.

.... **PETITIONERS**

VERSUS

- 1) State of Maharashtra,
through Registrar of Maharashtra State,
Co-operative Societies, 2nd Floor,
New Central Building, Ambedkar
Wellesly Road, Pune (MS)-411 001.
Land Line No.020-26122846.
- 2) The President and Managing Committee
Members of Shri Shivaji Nagari
Co-operative Society Ltd., Digras,
Reg.No.RSR/CR/601/2022, Tahsil
Digras, District Yavatmal.
- 3) The President and Managing Committee
Members of Late Sudharkarrao Naik
Produce and Seller of Fruits and Vegetables
Co-operative Society Ltd., Digras, Reg.No.
607, Tahsil Digras, District Yavatmal.
- 4) Shri Ranmale,
Assistant Registrar of Co-operative
Societies, Digras, Tahsil – Digras,
District Yavatmal.

.... **RESPONDENTS**

Mr. I.M. Ghongade, Counsel for the petitioners,
Mr. M.K. Pathan, AGP for respondent 1.

CORAM : ROHIT B. DEO &
MRS. VRUSHALI V. JOSHI, JJ.
DATED : 27th FEBRUARY, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

Heard. **Rule.** Rule made returnable forthwith with consent of the parties.

2. The prayer clause reads thus :

“a) Allow the Writ Petition and as liberty granted by this Hon’ble Court in Miscellaneous Civil Application (Review) No.791/2019 dated 03-9-2019 in Writ Petition No. 946/2019 dated 03-6-2019 (Ushabai Jain v. State of Maharashtra), the Respondent may kindly be directed to take immediate action under Sections 80 and 88 of the Maharashtra Co-operative Societies (Second Amendment) Act, 2016 and apply to the Executive Magistrate, Digras for seizing the remaining properties mentioned in the Sale-deed No.1875/2018 dated 24-10-2018 (Annexure-G) and other properties of Shri Shivaji Nagari Co-operative Society, Digras and property of its Committee Members.”

b) Monitor the present case with necessary direction to the Respondent to consider the Representation dated 21-3-2022 (Annexure-F) made by the Petitioners.”

3. We have perused the affidavit-in-response dated 27-1-2023 which is sworn by the District Deputy Registrar Co-operative Societies, Yavatmal.

4. Paragraphs 13 and 14 of the affidavit-in-response read thus :

“13. It is submitted that the respondent has appointed Enquiry Officer for conducting enquiry under Section 88 of Maharashtra Co-operative Societies Act, 1960 of the society namely Shri Shivaji Nagari Co-operative Society Limited, Digras, Tq. Digras, District Yavatmal having registration No. 601. The Enquiry Officer submitted the report under Section 83 of the Maharashtra Co-operative Societies Act, 1960 on 14-8-2019 and informed that it is necessary to conduct the enquiry under Section 88 of the Maharashtra Co-operative Societies Act, 1960 for fixing the responsibility. Therefore in view of the enquiry report under Section 83 Maharashtra Cooperative Societies Act, 1960, the enquiry under Section 88 is started and procedure under Rule 72(2) is completed and further procedure under Rule 72(3) is in progress and charges have been fixed against concerned persons.

14. It is submitted that first information report having No.183/2018 is also registered with police station Digras on dated 12-4-2018 against 11 persons including the person whose name is taken by the petitioner in the writ petition namely Bhimrao Marotrao Dudhe on the complaint of depositors. Therefore the police officials are doing their independent investigation.”

5. The learned Assistant Government Pleader Mr. M.K. Pathan submits that in addition to what is stated in paragraph 13, the instructions are that the procedure under Rule 72(5) Maharashtra Co-operative Societies Rules is also complete and that the enquiry under Section 88 of the Maharashtra Co-operative Societies Act shall be concluded as expeditiously as possible.

6. We are satisfied that the grievance in the petition is sufficiently redressed.

7. We dispose of the petition with the direction that as assured the enquiry under the statute shall be concluded as expeditiously as possible.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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