

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

Writ Petition No.4243 of 2023

Bhujal Kisan Macchimar Sahakari Sanstha Maryadit and others

Versus

Government of Maharashtra, through its Addl. Registrar of Co-operative Societies (Fish) and
Commissioner for Fisheries, Mumtai

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.K. Tambde, Counsel for Petitioners.

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

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 12th JULY, 2023.

1. Heard.
2. The challenge raised in the present writ petition is to the show cause notice dated 15-6-2023 issued to the petitioner No.1- Society under Section 78A of the Maharashtra Co-operative Societies Act, 1960 (for short, 'the said Act'). In the said notice, it has been stated that the Assistant Registrar, Co-operative Societies (Dairy), Nagpur has noticed various irregularities in the conduct of the affairs of the petitioner-Society. It has been further stated that the petitioner-Society is not co-operating in the enquiry and on that basis it is proposed to appoint an Administrator or Administrative Committee by removing the elected body.
3. The learned counsel for the petitioners submits that the tenor of the show cause notice indicates that the respondent No.2 has made up his mind of passing an order under Section 78A of the said Act. According to him, on 30-6-2023, a request was made for supply of all the documents that have been referred to in the said show cause notice. But till today, these documents are not being supplied. It is apprehended that the notice would be adjudicated with a pre-determined mind.
4. The learned Assistant Government Pleader for the respondents submits that the challenge is raised only to the show cause notice and hence no

interference is called for. The petitioners can reply to the said show cause notice and in case any adverse order is passed, remedy of filing an appeal is available.

5. We find that the challenge raised is to the show cause notice dated 15-6-2023. It is seen that by an earlier order dated 4-5-2023 passed in Writ Petition No.3000 of 2023 (*Bhujal Kisan Machhimar Sahakari Sanstha Maryadit, Nagpur Versus Government of Maharashtra, through Assistant Registrar, Cooperative Societies, Nagpur and others*), the protection for a period of two weeks was granted in case of any action under Section 79 of the said Act was taken. Since the petitioners have made a request for supply of documents referred to in the show cause notice, which ought to have been supplied coupled with the fact that the reply to the show cause notice has to be submitted by 14-7-2023, the following order would serve the ends of justice :-

The show cause notice dated 15-6-2023 is not interfered with. The petitioners shall reply to the said notice and put forth their defence in accordance with law. In case any adverse order under Section 78 of the said Act is passed, the same shall not be given effect to for a period of two weeks.

6. Keeping the points raised open in the writ petition, the writ petition is disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR