

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

WRIT PETITION NO. 4313/2023

Firdos Begum and Ors. Vs. District Deputy Registrar, Co-operative Societies, Akola
and Ors.

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

Court's or Judge's order

.....
Mr. A. R. Deshpande, Advocate for Petitioners.

Ms N. P. Mehta, Assistant Government Pleader for Respondent Nos.1 and
2/State.

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

DATED : 12.07.2023

. The challenge raised in the present Writ Petition is to the show cause notice dated 04.07.2023 that has been issued by the respondent No.2 under Section 78(A)(1) of the Maharashtra Co-operative Societies Act, 1960. *Inter alia*, it is submitted by the learned Counsel for the petitioners that prior to issuance of the show cause notice, the existing Managing Committee had passed a Resolution on 25.09.2022 resolving to conduct elections by appointing an Election Officer. By relying upon the decision in ***Vithal Nagar Co-operative Housing Society Ltd. Vs. Divisional Joint Registrar, CS, Mumbai Division and Ors. [2012(6) Mh.L.J. 812]***, it is submitted that since fresh elections are now to be conducted, no useful purpose would be served by appointing an Administrator since the term of the Managing Body has expired. It is further submitted that on the basis of certain complaints which have no factual basis, the show cause notice has been issued.

2. On perusing the documents on record, we find that by the show cause notice, the petitioners have been granted an opportunity to put forth their say before the respondent No.2. The petitioners can avail that opportunity by answering to the show cause notice. In addition, it can also be pointed out to the respondent No.2 that the elective term of the Managing Committee has come to an end and hence, there is no reason to appoint the Board of Administrators. We also find that against the issuance of the show cause notice, the remedy of filing a Revision Application under Section 154 of the said Act is available. We are therefore not inclined to go into the legality of the show cause notice. Instead, the interest of justice would be met by directing that in case any adverse order is passed consequent upon the show cause notice dated 04.07.2023, the same shall not be given effect for a period of 15 days from the date of the communication of such order to enable the petitioners to take further steps in accordance with law. Needless to state that, the respondent No.2 shall consider the reply to the show cause notice in accordance with law and take a decision thereon.

3. The Writ Petition is disposed of in aforesaid terms with no order as to costs.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

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