

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

WRIT PETITION NO. 8020/2022

Suhas Ram Naygaonkar and Ors. Vs. State of Maharashtra and Ors.

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

Court's or Judge's order

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Mr. O. R. Deshpande, Advocate for Petitioners.
Mr. S. M. Ukey, Addl.G.P for Respondents 1 to 3/State.

CORAM : ROHIT B. DEO AND
MRS.VRUSHALI V. JOSHI, JJ.
DATED : 25.04.2023

. Heard

2. The substantive prayer clauses as framed are read
thus :

*“i) To hold and declare that, the election of the
respondent No.05 i.e. Keshav Nagari Sakari
Patasanstha Ltd., Wani for the year 2022 to 2027
for which the results were declared on
14.11.2022 is illegal and bad in law.*

*ii) To hold and declare that the amendment in
Sub Rule (44) of Clause 13 carried out by
respondent no 5 in its Annual General Meeting*

dated 24.09.2022 (Annexure-V) is contrary to the circular dated 15.06.2022 issued by respondent no 2 (Annexure-VIII).

iii) Hold and declare that the petitioners no 1 to 8 are fully eligible and competent to contest election for the Board of Directors of respondent no 5.

iv) To quash and set aside the order dated 31-10-2022 passed by respondent No.03 (Annexure-XII) inter-alia allow the appeal of the petitioner No. 1 to 8.

v) By way of interim order restrain the respondent no 5 and present board of directors to hold and administer the office of Respondent no 5 inter alia appoint appropriate authority/ official Controller till decision of the present matter.

vi) Saddle the cost on the respondents;

vii) Grant any other relief which this Hon'ble Court deems fit and proper in the premises."

3. Insofar as the prayer (i) which seeks a declaration that the election of Keshav Nagari Sahakari Patasanstha Ltd., Wani is illegal and prayer clause (iii) which seeks a declaration that the petitioners 1 to 8 are eligible to contest the election to the Managing Committee, the prayer clauses are deleted.

4. The surviving prayer clause is that the amendment in the Sub Rule (44) of Clause 13 of the bylaws of the Co-operative Society in its Annual General Meeting held on 24.09.2022 is contrary to the circular issued by the respondent 2.

5. We are not inclined to entertain the challenge to the amendment of the bylaws in writ jurisdiction inasmuch as the challenge can as well be entertained, and all contentions raised herein can be decided by the Authority under the Maharashtra Co-operative Societies Act, 1960.

6. Keeping the contentions open, and granting liberty to the petitioners to challenge the amendment of the bylaws in appropriate proceedings, before the appropriate forum, we dispose of the petition.

(MRS.VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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