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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2678 OF 2015

Maharashtra Magaswargiya Machstya
Vavyasaik Sahakari Sanstha

Versus

The State of Maharashtra and others.

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Mr. Sudhir K. Chavan, Advocate for petitioner

Mr. A.V. Lavte, AGP for respondent Nos. 1 to 5

Mr. R.O. Awasarmol Advocate for respondent No.6.

CORAM : S.G. CHAPALGAONKAR, J.

DATE :- 20th AUGUST, 2024.

ORDER :-

1. The petitioner impugns the order dated 13.1.2015 passed by the Commissioner of Fisheries i.e. Additional Registrar, Cooperative Societies – Respondent No.2, in Revision Application No. 6 of 2024.

2. Mr. Sudhir Chavan, learned advocate for the petitioner submits that the petitioner society amended the bye-laws. It was challenged before the Deputy Registrar by respondent No.6 in Appeal No. 35 of 2010 under section 152 of the Maharashtra Cooperative Societies Act. The learned Deputy Registrar, after hearing the parties dismissed appeal vide communication dated 19.3.2024. The order passed in appeal was assailed by respondent NO.6 under Section 154 of the Maharashtra Cooperative Societies Act in Revision No. 6 of 2014 before the respondent No.2 . After hearing parties, revision application was

dismissed vide order dated 27.11.2014 and order of the appellate authority was confirmed. However, respondent No.2, at the instance of respondent No.6, again entertained challenge to the order of the appellate authority and directed action against petitioner society in terms of Section 21A of the Maharashtra Cooperative Societies Act.

3. Mr. Chavan, learned advocate would submit that once the respondent No.2 had exercised the powers under Section 154 of the Maharashtra Cooperative Societies Act and made final judgment vide order dated 27.11.2024, there was no occasion for him to reconsider the said revision and pass further contrary order dated 13.1.2015.

4. Mr. A.V. Lavte, learned AGP concedes that there is no provision enabling the respondent No.2 to entertain the second revision in terms of Section 154 of the Maharashtra Cooperative Societies Act or review his own order.

5. Having considered submissions advanced, it can be observed that Section 154 provides for power of revision to the State Government or the Registrar against any decision or order passed by subordinate officer, when no appeal lies against such decision or order. In the present case, respondent No.2 exercised his powers under Section 154 of the Maharashtra Cooperative Societies Act while dealing with the revision application No. 6 of 2014 and passed final order dated 27.11.2014, thereby confirming the order of the appellate authority. Surprisingly, the respondent No.2, again entertained second revision at the instance of respondent No.6 or reviewed his own order and passed order dated 13.1.2015 thereby reversing decision of appellate authority and declaring that the proposed amendment in bye-laws is contrary to rules and

regulations and Government Circulars and further directed inquiry under Section 21A of the Maharashtra Cooperative Societies Act, through the Deputy Registrar of Cooperative Societies.

6. Section 154 of the M.C.S. Act or scheme of the act nowhere provides for entertaining second revision against same order. Even there is no provision enabling respondent No.2 to revisit his own order passed under Section 154 of the M.C.S. Act. Hence this court finds that impugned order is without jurisdiction and liable to be quashed and set aside. Hence, following order :-

O R D E R

- [a] Writ petition is partly allowed;
- [b] Judgment and order dated 13.1.2015 passed by respondent No.2 in Revision application No. 6 of 2014, filed under Section 154 of the Maharashtra Cooperative Societies Act, is hereby quashed and set aside being without jurisdiction.
- [c] The respondent No. 6 shall be at liberty take up appropriate proceeding to assail order of appellate Authority as permissible under law, if so advised
- [c] Writ petition stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-