



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.4081 OF 2024

Rajendra @ Vishwanath Kisanrao Gupte,
Age 53 yrs., Occ. Business,
R/o "Krushnani", Ayodhya Nagar,
MIDC Area, Beed, Tq. & Dist. Beed.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
- 2 District Sub-Registrar, Co-operative Societies,
Office of the District Co-operative Societies,
2nd Floor, Stadium Complex, Jalna Road,
Beed – 431 122.
- 3 Divisional Sub-Registrar, Co-operative Societies,
Central Administrative Building,
2nd Floor, Latur – 413 531.
- 4 Amit Shahajirao Kadam,
Age – major, Occ. Business,
R/o Bindusara Colony,
Beed – 431 122.

... Respondents

...

Mr. S.S. Ghumare, Advocate for petitioner

Mr. S.J. Salgare, AGP for respondent Nos.1 to 3

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 19th APRIL, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present petition has been filed for following reliefs :

“(B) The directions may be given to respondent No.2 to hold the inquiry on newly elected members of Shivjyoti Labour Co-operative Society Ltd., Beed i.e. respondent No.4 in reference with the complaint No.149/2023 filed by petitioner.

(C) The directions may be given to respondent No.2 to pay all due wages to labours as soon as possible and pay investments of members.

(D) Respondent No.4 may be strained from involving any illegal act in society and restrained from unlawful utilization of funds of old members and labours.”

2 Heard learned Advocate Mr. S.S. Ghumare for the petitioner and learned AGP Mr. S.J. Salgare for respondent Nos.1 to 3.

3 The first and the foremost objection in respect of filing of the writ petition is that the petition has been filed in the individual capacity and in the body of the petition it is said that the petitioner is an authorized person for Shivjyoti Labour Co-operative Society Ltd., Beed. It is also stated that the Chairman has executed Power of Attorney in favour of the petitioner. When it is alleged that it is a registered society under the provisions of Section 9(1)

of the Maharashtra Co-operative Societies Act, 1960, there is no question of giving Power of Attorney, that too, by the Chairman to an individual. Petitioner contends that he was the former Chairman and current member. Even under his capacity as member, he cannot file petition on behalf of the society. The society is not party to the proceedings. Another fact, which can be gathered from the documents, is that there appears to be dispute between the society. Respondent No.4 is also made party in the individual capacity. It is also contended that elections have been held but according to the petitioner, it is illegally conducted. The remedy for the same would definitely be under the Maharashtra Co-operative Societies Act and not directly before this Court under its writ jurisdiction. Now, the petitioner wants to question the acts done by respondent No.4 and wants that an inquiry should be made against the newly elected members of the society. Without challenging the election this back door entry cannot be allowed and, therefore, the petition appears to be with some ulterior motive, for which the writ jurisdiction of this Court cannot be exercised. The writ petition, therefore, stands dismissed at the threshold.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)