



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 5312 OF 2023

- 1 Vijayshri Dhanya Adhikosh Sanstha Limited, Takali Kumbhkarna, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person Subhashrao Sakhabapu Deshmukh, Age 48 yrs., Occ. Agri., R/o Takali Kumbhkarna, Tq. & Dist. Parbhani.
- 2 Yashshri Dhanya Adhikosh Sanstha Limited, Dharmapuri, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person Sushilkumar Sureshrao Deshmukh, Age 45 yrs., Occ. Agri., R/o Dharmapuri, Tq. & Dist. Parbhani.
- 3 Munishri Pratik Sugar Maharaj Shetkari Dhanya Adhikosh Seva Sahakari Sanstha Limited, Parbhani, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person Shivaji Devrao Vibhute, Age 45 yrs., Occ. Agri., R/o Parbhani, Tq. & Dist. Parbhani.
- 4 Shriganesh Dhanya Adhikosh Sanstha Limited, Parbhani, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person Suresh Sakhabapu Deshmukh, Age 48 yrs., Occ. Agri., R/o Takali Kumbhkarna, Tq. & Dist. Parbhani.
- 5 Rameshwar Shetkari Dhanya Adhikosh Seva Sahakari Sanstha Limited, Parbhani, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person Narayan Narsing Jadhav, Age 45 yrs., Occ. Agri.,

R/o Parbhani, Tq. & Dist. Parbhani.

- 6 Suyog Shetkari Dhanya Adhikosh Sanstha Limited, Nandkheda, Tq. & Dist. Parbhani.
Through its Chairman/Authorized person
Sou. Vimaltai Sureshrao Deshmukh,
Age 47 yrs., Occ. Agri.,
R/o Nandkheda, Tq. & Dist. Parbhani.
- 7 Hanuman Shetkari Dhanya Adhikosh Sanstha Limited, Kavalgaonwadi, Tq. Purna,
Dist. Parbhani.
Through its Chairman/Authorized person
Hanuman Trimbakrao Dake,
Age 48 yrs., Occ. Agri.,
R/o Kavalgaonwadi, Tq. Purna,
Dist. Parbhani.

... **Petitioners**

... **Versus** ...

- 1 The State of Maharashtra
Through its Principal Secretary,
Cooperation, Textiles and Marketing Department,
Government of Maharashtra,
Mantralaya, Mumbai.
- 2 The Commissioner for Cooperation
and Registrar, Cooperative Societies
Maharashtra State, Pune,
New Central Building,
B.J. Road, Pune.
- 3 Divisional Joint Registrar,
Cooperative Societies, Aurangabad,
Anjuman Banglow, Adalat Road,
Kranti Chowk, Aurangabad.
- 4 The District Deputy Registrar,
Cooperative Societies, Parbhani,

Near Chhatrapati Maharaj Statue,
Station Road, Parbhani.

- 5 The Assistant Registrar,
Cooperative Societies, Purna,
New Mondha, Purna, Tq. Purna,
Dist. Parbhani.
- 6 The Assistant Registrar,
Cooperative Societies, Parbhani,
Tq. & Dist. Parbhani.

... **Respondents**

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Mr. V.A. Bagal, Advocate for petitioners
Mr. P.S. Patil, AGP for respondent Nos.1 to 6

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

DATE : 18th JANUARY, 2024

ORDER :

1 Learned Advocate for the petitioners points out that in Writ Petition No.3002 of 2023 the Division Bench of this Court on 15.12.2023 had disposed of similar matters. The petitioners therein also were aggrieved by the circular dated 08.04.2022 issued by respondent No.2 – Commissioner for Cooperation and Registrar, Co-operative Societies in respect of reclassification

of the registered Dhanya Adhikosh Societies as general societies and then the consequential letters came to be issued by present respondent Nos.5 and 6 under Section 14 of the Maharashtra Co-operative Societies Act, 1960. Similar issue is raised in the present petition.

2 In the above said decision the Division Bench of this Court had taken note of the decision by the Single Bench in **Writ Petition No.11921 of 2022** decided on 08.03.2023 in **Mauli Sai Samarth Dhanya Adhikosh Seva Sahakari Sanstha Maryadit vs. State of Maharashtra and others**, wherein also similar issue was raised. The circular issued by respondent No.2 – Commissioner dated 08.04.2022 was the subject-matter in **Mauli Sai Samarth Dhanya Adhikosh Seva Sahakari Sanstha Maryadit** (supra) also, wherein all the aspects have been decided. Directions have also been issued that it is always open to the petitioners to approach the respondent – Assistant Registrar, Co-operative Societies and demonstrate as to how their individual cases would be governed by the decision in the said matter of **Mauli Sai Samarth Dhanya Adhikosh Seva Sahakari Sanstha Maryadit** (supra). Herein also the final decision has not been taken by respondent Nos.5 and 6. As the said notices are still pending and the final decision is yet to be taken, the petitioners can still raise grievance or put forth their say before the competent authority. Under the said circumstance, it was observed by the

Division Bench of this Court that writ cannot be issued when there is no final decision. We are also of the same opinion. Therefore, keeping all the points open the writ petition stands disposed of.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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