

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.655 OF 2024

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2024.01.17
18:06:53 +0530

Ramlinga Sahakari Dudh Vyayasayak
Sanstha Myt. & Anr. ... Petitioners

V/s.

Joint Registrar Cooperative Societies
(Dairy), Mumbai & Ors. ... Respondents

WITH

WRIT PETITION NO.656 OF 2024

Ramlinga Sahakari Dudh Vyayasayak
Sanstha Myt. & Anr. ... Petitioners

V/s.

Joint Registrar Cooperative Societies
(Dairy), Mumbai & Ors. ... Respondents

Mr. Ruturaj Pawar for the petitioners.

Mr. Gangaji B. Naik for respondent Nos.4.

Ms. V. S. Nimbalkar, AGP for the State/respondent
Nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 17, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- Both the writ petitions arise out of a proposal submitted by respondent No.4-society initially seeking permission under section 9 of the Maharashtra Cooperative Societies Act, 1960 for opening

of bank account and collection of Milk and, thereafter, an order of registration passed in favour of respondent No.4.

3. On 29th November 2018, respondent No.4 filed a proposal before Assistant Registrar Cooperative Societies (Milk) for collection of Milk and opening of bank account. On 29th July 2019, the Assistant Registrar permitted respondent No.4 to open bank account and collect Milk. Aggrieved by the said order, the petitioners filed Appeal No.5 of 2019. The Appellate Authority, on 11th February 2020, dismissed the appeal. Aggrieved thereby, the petitioners approached the revisional authority. The revisional authority, by order dated 10th May 2021, remanded the proposal back to the first authority for consideration on merit. The first authority after remand allowed the proposal against which the petitioners filed an appeal. The Appellate Authority dismissed the petitioners' appeal against which the petitioners filed revision before the Divisional Joint Registrar. The Divisional Joint Registrar, by the impugned order, refused to entertain revision on the ground that after grant of permission to open bank account and collect Milk, respondent No.4-society was already registered and, therefore, challenge to order passed under section 9 of the Maharashtra Cooperative Societies Act, 1960 permitting respondent No.4-society to open bank account and collect Milk and challenge to registration has become infructuous.

4. Net result of entire exercise appears to be that no authority has considered the eligibility of respondent No.4-society to seek permission for registration of Milk society as per government resolution dated 4th January 2000.

5. In absence of decision on eligibility of respondent No.4 for registration of Milk society as per government resolution dated 4th January 2000, in my opinion, it was duty of appellate and revisional authority to consider the proposal of respondent No.4-society. Therefore, the impugned orders cannot be sustained.
6. However, considering the nature of rights involved, it would be necessary to direct the Assistant Registrar of Cooperative Societies (Milk) to consider eligibility of respondent No.4-society afresh based on material produced by the parties. Such exercise shall be completed within eight weeks from the date of appearance of the parties. The parties shall appear before the Assistant Registrar on 22nd January 2024.
7. Till the decision of the Assistant Registrar, the respondent No.4-society restrained from exercising rights conferred by registration of respondent No.4-society.
8. The writ petitions stand disposed of. No costs.
9. Rule stands discharged in above terms.

(AMIT BORKAR, J.)