

VRJ

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

WRIT PETITION NO.5382 OF 2022

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Shri Kamdhenu Sahakari Dudh
Vyayasayak Sanstha Maryadit Manwad
& Anr.

... Petitioners

V/s.

Minister for Animal Husbandry & Dairy
Development & Ors.

... Respondents

Mr. Ruturaj P. Pawar for the petitioners.

Ms. V. S. Nimbalkar, AGP for the State/respondent
Nos.1 to 4.

Mr. Shrikrishna Ganbavale for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : MARCH 6, 2024

P.C.:

1. The writ petition is filed by existing milk society in village Manwad. According to the petitioners, in addition to respondent No.5-society there are four more milk societies in existence. The government resolution issued under section 4 of the Maharashtra Cooperative Societies Act, 1960, requires 50 minimum members for grant of pre-registration permission and registration in addition to criteria of financial liability.

2. According to the petitioners, respondent No.5 filed proposal

with 70 members, however, out of 70, 22 of common members and 6 persons are died and 7 have filed affidavit that they do not want to join the proposal of respondent No.5.

3. If the contention raised on behalf of the petitioners is factually correct, the authorities under the Act could not have granted registration in favour of respondent No.5. However, on perusal of the impugned order, it appears that the said contention has not been properly considered by the authorities under the Act. Hence, the inquiry conducted by the authorities under the Act does not satisfy parameters laid down under the government resolution dated 4th January 2000.

4. It is, therefore, necessary that the authorities under the Act need to consider proposal of respondent No.5 afresh. Hence, following order:

a) The impugned order passed by respondent No.1 confirming order of respondent No.2 are quashed and set aside.

b) The proceedings are remanded back to respondent No.3 for decision afresh.

c) The parties shall appear before respondent No.3 on 13th March 2024 at 10:30 a.m.

d) The respondent No.3 shall consider the contention raised by the parties on merit and shall pass fresh order within four weeks from the date of appearance of the parties.

5. As a consequence of the setting aside the order, the order of

registration shall stand cancelled.

6. In view of cancellation of registration, the respondent No.5 shall not be entitled to carry out its function till the decision of respondent No.3.

7. The writ petition stand disposed of. No costs.

(AMIT BORKAR, J.)