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

WRIT PETITION NO.625 OF 2020

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Popat Pandurang Pawar

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Bhalchandra S. Shinde for the petitioner.

Mr. S.D. Rayrikar, AGP for respondent Nos.1 & 2/State.

Mr. Anant Vadgaonkar for respondent Nos. 3& 4.

CORAM : AMIT BORKAR, J.

DATED : MARCH 13, 2024

PC.:

1. The writ petition arises out of an application filed by the petitioner being member of a cooperative society under Section 78 of the Maharashtra Cooperative Societies Act, 1960 read with Rule 57 of the Maharashtra Cooperative Societies Rules, 1961. According to the petitioner, the Chairman is personally accepting rent from building where headquarter of the society is situated.

2. Sections 78 and 78A of the Act confers power on the Registrar to remove a committee or any member of a committee. The application filed by the petitioner was in the year 2018. The terms of the managing committee is for five years which, in any case, comes to an end in the year 2023. Therefore, for the act committed during past tenure of the managing committee, action

under Section 78A of the said Act cannot be initiated. Therefore, remedy of the petitioner lies somewhere else under the provisions of the said Act. It shall be open for the petitioner to adopt appropriate remedies as provided under the provisions of the said Act. However, action under Section 78 or 78A cannot be initiated against the Chairman for the acts alleged in the complaint.

3. Hence, writ petition is rendered infructuous. The writ petition accordingly stands disposed of with liberty to the petitioner to adopt appropriate proceedings under the provisions of the said Act or as are permissions in law.

(AMIT BORKAR, J.)