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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6209 OF 2023**

Gurumukh Niwas Sahakari Gruhrachana ... Petitioners
Sanstha Maryadit and Ors

vs.

The Divisional Joint Registrar, Cooperative ... Respondents
Societies, Pune and Ors

Mr.V.H. Narvekar a/w. Mr. Aadesh M. Patil, for Petitioners.

Mr. S.D. Rayrikar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 28th FEBRUARY, 2024

P.C. :-

1. This petition takes an exception to the order passed by the Divisional Joint Registrar, Cooperative Societies dismissing the appeal filed by the petitioners. The said appeal was filed challenging the order appointing the Administrator. Though the petition is filed on behalf of the society through the Managing Committee, it is not in dispute that two groups in the society are claiming to have been elected. It is also not in dispute that with regard to the election of the Managing Committee, there is a dispute filed before the Cooperative Court and the same is still pending.

2. The impugned order is passed in an appeal challenging an order dated 19th June 2019 passed under section 77A of the Maharashtra Cooperative Societies Act, by the Deputy Registrar, Cooperative Societies appointing Administrator.

3. Perusal of the said order indicates that since there is a dispute between the members regarding the election of the Managing Committee, the order is passed appointing Administrator.

4. Learned counsel for the petitioners submitted that after the term of the earlier elected body was over, there was a Special General Body meeting held for a fresh election on 25th December 2018. The present petitioners have been elected as Office Bearers. He relies upon the copy of the minutes of the Special General Body meeting which is on page 32 of the petition. He further relies upon the letter dated 20th January 2019, which intimates holding the election on 25th December 2018, to the State Election Cooperative Authority and the Deputy Registrar, Cooperative Societies.

5. I have perused the record. The minutes of the Special General Body Meeting annexed on page 32 do not indicate that the procedure for holding a meeting for electing the Managing Committee was followed, except for recording the agenda and resolution, nothing is recorded with respect to the issuance of notice

to all members and all other required details for holding election for the purpose of electing Managing Committee. Appointing an Administrator is essentially passed, as there is a dispute amongst the members regarding the election of the Managing Committee. Hence, I do not find any error or illegality in the appointment of the Administrator.

6. Learned counsel for the petitioners submitted that the Divisional Joint Registrar has dismissed the appeal filed by the petitioners on the ground that the order appointing the Administrator has changed and hence, the appeal has become infructuous.

7. I have perused the order. It appears that the appeal was filed challenging the order dated 19th June 2019 appointing the Administrator. It appears that thereafter there was a revised order passed on 20th July 2019, changing the name of the Administrator. However, the reason for appointing an Administrator was the same. A perusal of the impugned order passed by the Divisional Joint Registrar indicates that the dispute between the members regarding the election of the Managing Committee is also taken into consideration while dismissing the appeal. Hence, I do not find any substance in the arguments made on behalf of the petitioners. I do not find any error or illegality in the order passed by the Divisional

Joint Registrar, Cooperative Societies.

8. Hence, I do not see any reason to invoke writ jurisdiction under Article 227 of the Constitution of India.

9. For the reason stated above, the petition is dismissed.

(GAURI GODSE, J.)