

Nikita

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

WRIT PETITION NO.2976 OF 2024

Jaykumar Ballappa Munnoli and Anr. ... Petitioners

V/s.

Divisional Deputy Registrar Co-operative
Societies and Ors. ... Respondents

NIKITA
KAILAS
DARADE
Digitally signed by
NIKITA KAILAS
DARADE
Date: 2024.04.10
17:09:11 +0530

Mr. Ruturaj Pawar, for the Petitioners.

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

CORAM : AMIT BORKAR, J.

DATED : APRIL 10, 2024

P.C.:

1. The Chairman and Secretary challenged the order passed by the Assistant Registrar approving removal of Secretary and appointment of new Secretary.

2. The petitioners challenged the order before the Revisional Authority. The Revisional Authority confirmed the order. This Court directed the Assistant Registrar to file affidavit indicating source of power to approve removal or appointment of Secretary of Milk Society. The Assistant Registrar has filed affidavit stating that provisions of Act, Rules do not require such approval. Nor Act or Rules confers any power on Registrar to approve such appointment or removal of Secretary. The requirement appears to

be under the bye-laws. There is no requirement of approval of Registrar under the bye-laws also.

3. Therefore, issue notice to respondent Nos. 3 and 4, returnable on **11th June 2024**.

4. Since, neither provisions of the Act, Rules or bye-law require approval for appointment of Secretary.

5. Till next date there shall be ad-interim relief in terms of prayer clause (c).

(AMIT BORKAR, J.)