

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5037 OF 2024

Hanuman Jambhuldev Mahila Sahakari Dudh ... Petitioner
Vyavsaik Sanstha Maryadit

Versus

The Joint Registrar Cooperative Societies (Dairy) ... Respondents
Maharashtra State and Ors.

.....

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. Chetan Patil i/b. Mr. Mandar Bagkar, Advocate for Respondent No.5.

Ms. A. A. Nadkarni, AGP for the State.

CORAM : R. M. JOSHI, J.

DATED : 22nd AUGUST, 2024.

P.C. :

1. This petition takes exception to order dated 12.03.2024 passed by Joint Registrar, Co-operative Societies (Dairy) in Revision Application No. 16 of 2023 filed by respondent No.5, whereby the revision application is allowed and order dated 04.12.2023 passed by respondent No.2 as well as order dated 03.07.2023 passed by Assistant Registrar, Co-operative Societies (Dairy) granting pre-registration permission for collection of milk and for opening bank account are set aside.

2. The petitioner society submitted proposal for pre-registration permission for collection of milk and opening bank account to Assistant Registrar Cooperative Society (Dairy) on 23.08.2022 an enquiry was conducted in respect of the said proposal and a certificate came to be

issued in favour of the petitioner on 06.04.2023. It is a case of the petitioner that respondent Nos. 5 and 6 are the other co-operative dairies functioning in the same village as the petitioner-Dairy Society. The Assistant Registrar, therefore, issued notice of hearing to respondent Nos. 5 and 6 Co-operative societies. Respondent No.5 raised objection before the Assistant Registrar, however, respondent No.6 recorded its no objection therefor. By order dated 03.07.2023, Assistant Registrar allowed the said proposal and granted pre-registration permission for collection of milk and opening bank account. This order was challenged by respondent No.5 before the respondent No.3 in Appeal No. 3857 of 2023 unsuccessfully. In the light of pre-registration permission, respondent No.4 granted permission to the Kolhapur Zilla Doodh Utpadak Maryadit Sangh (Gokul) – the Federal Society for accepting the milk supplied by the petitioner society. The said Sangh started accepting of the milk supplied by the petitioner society. Petitioner society completed the requisite quota of milk collection and in view of the same, certificate for registration was issued to the petitioner. Respondent No.5 filed revision application bearing Revision Application No. 16 of 2023 before the Joint Registrar for challenging the said Judgment and Order dated 04.12.2023 passed by respondent No.2 in Appeal No. 3857 of 2023. The Joint Registrar vide impugned Judgment and Order dated 12.03.2024 allowed the said revision and set aside the

order dated 04.12.2023 passed by Divisional Deputy Registrar and order dated 03.07.2023 passed by Assistant Registrar, Co-operative Societies (Dairy), hence this petition.

3. Learned counsel for the petitioner submits that the impugned order does not record any reason for setting aside the order passed by Assistant Registrar as well as Deputy Registrar. It is his submission that the said Authority has failed to take into consideration the fact that no specific objection was raised by respondent No.5 nor it is substantiated. According to him, it is a special circumstance that the petitioner is the society entirely run by women and otherwise all requirements for registration are met. Thus he seeks setting aside of the said order and remand of the revision before the Divisional Joint Registrar (Dairy) for decision afresh.

4. Learned counsel for contesting respondent No.5 supported impugned order on the ground that the said order has been passed after rightly taking into consideration facts and circumstances of the case. It is his contention that new society must not include members of family of existing society members.

5. There is no dispute about the fact that as per G.R. dated 04.01.2000, it is permissible for Assistant Registrar (Dairy) to grant registration to maximum three societies in a village. Thus, relevant Rules permit registration of more than one dairy cooperative society in a village. Clause

6 of Government Resolution indicates that preference shall be given to Dairy Society of women. In the instant case, it is pertinent to note that respondent No.5 has not raised its specific objection to the grant of pre-registration certificate to the petitioner society. Careful perusal of the impugned order further indicates that the same records no reason for setting aside the orders passed by the Authorities below. Any order sans reasons cannot be maintained. In view of the above, it is a fit case wherein the impugned order deserves to be set aside and it is accordingly set aside.

6. Proceeding of Revision Application No. 16 of 2023 proceeding is remitted back to the Divisional Joint Registrar, Dairy for decision afresh. It is expected from the said Authority that keeping in mind G.R.dated 04.01.2000 and relevant provisions of law applicable, appropriate order shall be passed on merit after giving opportunity of hearing to both the sides.

7. Having regard to the nature of the dispute, the Revision be decided finally on merit within a period of a month from the knowledge of this order. It shall be the responsibility of the petitioner to convey this order to the said Authority in writing.

8. Writ Petition is partly allowed.

(R. M. JOSHI, J.)