

VRJ

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

WRIT PETITION NO.5087 OF 2024

VAIBHAV
RAMESH
JADHAV
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Date: 2024.04.10
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Shankar Vitthal Patil

... Petitioner

V/s.

Divisional Joint Registrar, Cooperative
Societies, Kolhapur Division, Kolhapur &
Ors.

... Respondents

Mr. Nilesh Wable with Ms. Ruchita Khatmade i/by Mr.
Umesh R. Mankapure for the petitioner.

Mr. Hamid D. Mulla, AGP for the State/respondent
Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2024

P.C.:

1. Prima facie the petitioner has been disqualified under section 73-CA(1)(iv) of the Maharashtra Cooperative Societies Act, 1960 on the ground that the petitioner did not belong to borrowers category on the date of his election. Sub-clause (iv) of Sub-section (1) of section 73-CA of the Maharashtra Cooperative Societies Act, 1960 confers power of Registrar to disqualify managing committee member of a cooperative society in case such person is disqualified under the provisions of the Act, Rules or Bye-laws.

2. However, on perusal of the impugned orders, it appears that prima facie finding recorded by the authorities below is that the

petitioner was not qualified on the date of his election. It is, therefore, necessary to consider as to whether on this ground power under section 73-CA of the Maharashtra Cooperative Societies Act, 1960 can be exercised. Hence, till 24 June 2024, there shall be ad-interim relief in terms of prayer clause (b).

3. Issue notice to respondent Nos.3 and 4, returnable on 24 June 2024.

(AMIT BORKAR, J.)