



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13678 OF 2024.

Lokmanya Majoor Sahakari Sanstha
Maryadit Sangli Thr. Its Director
Premchand B. Pandyaji

...Petitioner.

Versus

Divisional Joint Registra R Co-Operative Societies
Kolhapur Division Kolhapur And Ors.

...Respondents.

*Mr. Amrut Joshi i/b Mr. Wasim Samlewale for the Petitioner.
Mr. V. S. Nimbalkar, AGP for the Respondent Nos.1 to 3.*

Coram : Sharmila U. Deshmukh, J.

Date : October 9, 2024.

P. C. :

1. Heard.
2. By this petition the challenge is to the order dated 30th May 2024 passed by the respondent No.1 Divisional Joint Registrar upholding the orders of respondent Nos.2 and 3 by which it was directed that the Petitioner-Society shall not be allotted any work.
3. The petitioner is Labour Cooperative Society registered under the Maharashtra Cooperative Societies Act 1960 and on the basis of complaint by respondent No.4 alleging that the work by the petitioner-society was carried out by workers who are not members of the

Petitioner-Society and thus there is violation of the Government Resolution, an inspection was caused by Respondent No.3 who filed inspection report about two workers found to be without identity cards. Based on the same, show cause notice was issued which was responded to by the petitioner contending that by Resolution dated 10th April 2023 the two labourers were admitted as nominal members of the Petitioner-Society in accordance with bye laws 10(1).

4. Perusal of the order dated 20th October 2023 passed by the Deputy Registrar which has thereafter been upheld by respondent No.2 would indicate that said submission has not been dealt with by the authorities. There is no reasoning which can be found in the impugned order dealing with the submission that the two labourers are nominal members admitted in accordance with the bye laws. The impugned orders *prima facie* shows that based on the spot inspection report the orders are passed.

5. Learned counsel for the petitioner has also rightly pointed out that under the Government Resolution of 5th September 1995 what is required is spot inspection by the officials of PWD Department and said procedure has not been followed in the present case and therefore the orders based on the spot inspection of the Assistant Cooperative Officer is not in compliance with the Government Resolution dated 5th September 1995. *Prima facie* impugned orders

appears to be unsustainable and the consequences are drastic in as much as the petitioner-society which is Labour Cooperative Society has been held not to be entitled to carry out any work and severe consequences would ensue upon member labourers.

6. Issue notice to the respondents. Learned AGP waives notice for respondent Nos.1 to 3 returnable on **4th December 2024**.

7. In addition to Court notice, petitioners to serve the respondents by private notice and file affidavit of service before the next date.

8. In light of the above *prima facie* findings, a case has been made out for ad-interim relief. Ad-interim relief in terms of prayer clauses (d) and (e) till the next date.

[Sharmila U. Deshmukh, J.]