



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3892 OF 2024

Mirza Zakaulla Baig, President of Rajnand Gruhnirmaan Sahkari Sanstha Maryadit, Akola and
ors.

-vs-

The State of Maharashtra, Thr. Secretary, Co-operation, Marketing and Clotting, Mantralaya,
Mumbai and ors. s

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri V. B. Bhise, Advocate for petitioner.

Shri J. Y. Ghurde, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : July 02, 2024

Civil Application No.1709/2024

1. For the reasons disclosed, the application for amendment is allowed. Amendment be carried out within a period of two weeks. Amended copy of the petition be served on the respondents.
2. Civil Application is disposed of.

Writ Petition No.3892/2024

3. Heard.
4. The challenge is to the order 03/06/2024 claiming it is without jurisdiction.
3. We have perused the provisions of Section 35 of the Maharashtra Co-operative Societies Act, 1960 (for short, the Societies Act) so also the order impugned dated 03/06/2024 passed under the provisions of Section 35 whereby the respondent-Authority in exercise of the powers vested directed expulsion of 34 members of the Society.
4. It is the contention that powers are exercised by the Administrator who was appointed subsequent to the proceedings under Section 78 of the Maharashtra Co-operative Societies Act, 1960. It is

claimed that the powers under Section 35 cannot be exercised by the Administrator as it is the Society which can exercise such powers for making recommendation for expulsion of its members.

5. Issue notice to the respondents, returnable on 30/07/2024.

6. Shri J. Y. Ghurde, learned Assistant Government Pleader waives service of notice for respondent Nos.1 to 3.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)