



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4509 OF 2025

YASHSHRI SHETKARI DHANYA ADHIKOSH SEVA SAHAKARI
SANSTHA LTD AND OTHERS

VERSUS

THE DIVISIONAL JOINT REGISTRAR COOPERATIVE SOCIETIES
AND OTHERS

...

- **Mr. Ghatol Patil Shahaji B.**, Advocate for the Petitioners
- **Mr. A. B. Girase**, Government Pleader for Respondents/State
- **Mr. N. R. Pawade**, Advocate for Respondent Nos. 4, 6 and 8

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 02.04.2025

PER COURT :

. Heard.

2. Learned advocate for the petitioners at the outset seeks leave to delete respondent No. 5, 7 and 9. Leave granted. Amendment to be carried out forthwith.

3. The petitioners – societies facing enquiry in the form of proceedings under Section 21-A of the Maharashtra Co-operative Societies Act, 1960, are before us, agitated by the fact that the enquiry has been going on before respondent No. 1 and is about to be

concluded when a serious issue regarding *locus standi* of the respondent Nos. 4, 6 and 8 has been decided by it pursuant to the directions of the Supreme Court in Petition for Special Leave to Appeal (C) No. 22676 of 2024 by the order dated 30.09.2024, whereby he was called upon to make a preliminary issue and was directed to decide the locus of the respondent Nos. 4 and 5 therein (respondent Nos. 4, 6 and 8 herein) before proceeding further in the matter. The respondent No. 1 has decided that issue against which order the petitioners, they have preferred revision under Section 154 of the Maharashtra Co-operative Societies Act which is pending before respondent No. 10 - the Hon'ble Minister for cooperation. It is their concern that on the one hand the Minister is not deciding their revision and on the other hand respondent No. 1 is hellbent in deciding the proceeding preferred under Section 21-A, in which case the revision would become infructuous.

4. Learned Government Pleader does not dispute the chronology of the events but points out that already a Single Judge of this Court has expected the learned Minister to decide the revision within two weeks, by the order dated 18.03.2025. We are being informed that respondent Nos. 4, 6 and 8 are still to appear in the revision.

5. Learned advocate for respondent Nos. 4, 6 and 8 takes us through the record and demonstrates that the petitioners are hellbent in protracting the final decision in the enquiry under Section 21-A. Every attempt is being made to protract it. The rojnama demonstrates that in spite of numerous opportunities, the petitioners have not filed any reply. Faced with the situation, respondent No. 1 has now closed the matter for final decision as is recorded in the rojnama dated 26.03.2025.

6. It is imperative that once the Supreme Court has directed the preliminary issue to be decided and if that is decided by respondent No. 1, the petitioners are not left remediless, particularly when revision would lie under Section 154. The propriety in deciding the preliminary issue cannot be gone into now.

7. As a corollary, petitioners cannot be prevented from challenging the decision of respondent No. 1 on the preliminary issue regarding locus of the contesting respondents. It would be obnoxious to allow respondent No. 1 to pass the final order thereby making the revision infructuous. However, simultaneously the petitioners cannot be allowed to misuse or abuse the process of law.

8. In order to strick a balance, it would be appropriate that both the sides are directed to appear before the learned Minister on a

specific date and thereafter the Minister is requested to decide the revision as expeditiously as possible.

9. In light of above, we dispose of the Writ Petition directing the petitioners as also respondent Nos. 4, 6 and 8 to appear before respondent No. 10 – the learned Minister for cooperation on 09.04.2025, who shall thereafter hear them and decide the revision as expeditiously as possible and in case within two weeks from the date of appearance of the parties.

10. Independently, the petitioners shall, if they so intend, file their response before respondent No. 1 in respect of the enquiry being undertaken. Even if they do not do so, the respondent No. 1 shall decide the enquiry and pass the final order within two weeks from the date the order is passed in the revision by the learned Minister.

11. As the order is dictated in the open Court, the learned AGP is requested to convey this order to respondent Nos. 10 and 11, immediately.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/