



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10389 OF 2025

Bhanudas Baliram Patil
Age: 68 years, Occu.: Agri.,
R/o. Kurukwade, Tq. Sindkheda,
District Dhule.

.. Petitioner

Versus

1. The State of Maharashtra
Department of Co-operation,
Marketing and Textiles
Mantralaya Mumbai-32
Through Chief Secretary.
2. The Joint Registrar,
Nashik Division, Nashik,
Tq. And Dist. Nashik.
3. District Deputy Registrar,
Co-operative Societies, Dhule,
Tq. And Dist. Dhule.
4. The Assist. Registrar
Co-operative Societies, Sindkheda,
Tq. Sindkheda, Dist. Dhule.
5. The Election Officer,
Kurukwade Vivid Karyakari Seva
Sahakari Society Ltd., Sindkheda,
Tq. Sindkheda, District Dhule.
6. Kurukwade Vivid Karyakari Seva
Sahkari Society Ltd., Sindkheda,
Tq. Sindkheda, District Dhule,
Through its Secretary.
7. Komalsingh Sardarsingh Girase
Age: 60 years, Occu.: Business,
R/o. Kurukwade Vivid Karyakari Seva
Sahkari Society Ltd., Sindkheda,
Tq. Sindkheda, District Dhule.

.. Respondents

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- Mr. A. R. Syed, Advocate for the petitioner.
 - Mr. Abhijeet M. Phule, AGP for respondent Nos.1 to 4/State.
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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATE : 03 OCTOBER 2025

ORDER :

. Present petition has been filed for following reliefs :-

“C) This Hon’ble Court may be pleased to direct the respondent Nos.2 to 5 to consider and decide the complaints made by the petitioner bringing to the notice the misconduct under provisions of Maharashtra Co-operative Societies Act, 1961 made on 09.01.2023 (Exh. “C”) and 24.08.2023 (Exh. “A”) respectively.

D) This Hon’ble Court may be pleased to direct the respondent Nos.2 to 5 to take steps to initiate and decide the proceedings of disqualification in pursuance to the representations and complaints made by the petitioner on 09.01.2023 (Exh. “C”) and 24.08.2023 (Exh. “A”) respectively within stipulated period.”

2. The petitioner submits that he is elected member of respondent No.6 Cooperative Society. The elections of society were held as per the provisions of the Act. Respondent No.7 was elected as Chairman of respondent No.6 and he was under obligation to submit the election expenses within a period of 30 days as per Section 144-F of the

Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as the “Cooperative Societies Act”). The petitioner made complaint to the election officer and others on 24.08.2023, but it was not responded. Respondent No.7 has committed misconduct under Section 73 of the Cooperative Societies Act and, therefore, the petitioner had submitted a complaint to the respondents and prayed for disqualification of respondent No.7. Even the monthly meetings of the society were not held after 18.07.2022. He submits that respondent Nos.2 to 4 is not taking action. Hearing was conducted, however, respondent No.7 is not attending the hearing. Instead of taking action, a report was directed to be submitted regarding the misconduct. Again the petitioner preferred letter dated 12.04.2023 to respondent No.3 and the report was called, but no further step has been taken. Respondent No.3 ultimately gave a decision on 18.02.2025 that the dispute is between the members of the society and Chairman and they can take recourse to Section 91 of the Cooperative Societies Act. Petitioner was constrained to make a detailed representation to respondent Nos.2 to 4, which has not been adhered to and, therefore, the present petition.

3. Heard learned Advocate for the petitioner and learned AGP, who waives notice for respondent Nos.1 to 4. There is no necessity to issue

notice to respondent Nos.5 to 7.

4. When the petitioner claims that he is the elected member of respondent No.6/Society and wants to agitate for some misconducts against the Chairman, who would also be the member of the Society, then it becomes the dispute between two members. Alternative efficacious remedy is available to the petitioner under Section 91 of the Cooperative Societies Act or before any other statutory authority as per the Cooperative Societies Act and, therefore, this cannot be the matter in which we can exercise our constitutional powers under Article 226 or 227 of the Constitution of India.

5. Hence, the writ petition stands dismissed at the threshold.

[AJIT B. KADETHANKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm