



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION (CIVIL) NO. 248 OF 2024
IN WP/10684/2024**

Harun Hamidkha Pathan

.. Applicant

Versus

The State of Maharashtra
Through Divisional Joint Registrar
Co-operative Society, Aurangabad Division
and others

.. Respondents

Mr. Narayan G. Rokade, Advocate h/f Mr. Umakant U. Wagh, Advocate
for the Applicant.

Mr. P. P. Dawalkar, AGP for Respondent Nos. 1 and 2.

Mr. K. J. Suryawanshi, Advocate for Respondent No. 3.

**AND
REVIEW APPLICATION (CIVIL) NO. 249 OF 2024
IN WP/10692/2024**

M/s. Sai Bedana Projects
Through Prop.
Mr. Ravindra Shamrao Bawane

.. Applicant

Versus

The State of Maharashtra
Through Divisional Joint Registrar
Co-operative Society, Aurangabad Division
and others

.. Respondents

Mr. Narayan G. Rokade, Advocate h/f Mr. Umakant U. Wagh, Advocate
for the Applicant.

Mr. K. S. Patil, AGP for Respondent Nos. 1 and 2.

Mr. K. J. Suryawanshi, Advocate for Respondent No. 3.

AND
REVIEW APPLICATION (CIVIL) NO. 250 OF 2024
IN WP/10680/2024

Nabikha Hamidkha Pathan .. Applicant

Versus

The State of Maharashtra
Through Divisional Joint Registrar
Co-operative Society, Aurangabad Division
and others .. Respondents

Mr. Narayan G. Rokade, Advocate h/f Mr. Umakant U. Wagh, Advocate
for the Applicant.
Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 2.
Mr. K. J. Suryawanshi, Advocate for Respondent No. 3.

AND
REVIEW APPLICATION (CIVIL) NO. 251 OF 2024
IN WP/10677/2024

M/s. Farhan Dry Grapes
through Prop.
Yusuf Hamidkha Pathan .. Applicant

Versus

The State of Maharashtra
Through Divisional Joint Registrar
Co-operative Society, Aurangabad Division
and others .. Respondents

Mr. Narayan G. Rokade, Advocate h/f Mr. Umakant U. Wagh, Advocate
for the Applicant.
Mr. P. D. Patil, AGP for Respondent Nos. 1 and 2.
Mr. K. J. Suryawanshi, Advocate for Respondent No. 3.

AND
REVIEW APPLICATION (CIVIL) NO. 252 OF 2024
IN WP/10683/2024

Shalini Haridas Bawane .. Applicant

Versus

The State of Maharashtra
Through Divisional Joint Registrar
Co-operative Society, Aurangabad Division
and others

.. Respondents

Mr. Narayan G. Rokade, Advocate h/f Mr. Umakant U. Wagh, Advocate
for the Applicant.

Mr. K. S. Patil, AGP for Respondent Nos. 1 and 2.

Mr. K. J. Suryawanshi, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 30th JANUARY, 2025.

P C. :-

. Heard the parties.

2. These applications are filed seeking review of order dated
07.10.2024 passed by this Court which reads as under :

“ The learned AGP, on instructions, submits that
respondent No.2 i.e. the Deputy Registrar, Co-operative
Societies (Parseva), Marathwada Urban Bank Co-operative
Association Marathwada, Chhatrapati Sambhajanagar, shall
decide 101 proceedings filed by the petitioner / bank.

2. In view of the above, these writ petitions stand
disposed of.

3. The petitioner to appear before respondent No. 2 on
14th October, 2024.

4. The learned AGP to intimate this order to the
concerned authorities.”

3. The learned advocate for the applicants submits that, the proceedings were initially filed at Aurangabad. In fact, the cause of action arising within the jurisdiction of learned Assistant Registrar at Niphad. The files were transferred to the Court at Niphad. However, the learned Assistant Registrar, Niphad refused to entertain the proceedings stating that, head office of the bank is at Vaijapur and therefore, the jurisdiction is with the learned Assistant Registrar, Aurangabad.

4. In that view, this Court had issued notice to the parties. On instructions of the learned A.G.P, this Court had directed the respondent No. 2 i.e. Deputy Registrar, Co-operative Societies (Parseva), Marathwada Urban Bank Co-operative Association Marathwada, Chhatraphati Sambhajinagar to decide the proceedings filed under Section 101 of the Maharashtra Co-operative Societies Act (for short “M.C.S. Act”) by the petitioner/bank.

5. The learned advocate for the applicants submits that, when the jurisdiction has arisen within the jurisdiction of Niphad, the respondent No. 2 will not get jurisdiction to decide the proceedings under Section 101 of the M.C.S. Act. He submits that, there is error apparent on the face of record as by the impugned order the respondent No. 2 who does not have jurisdiction is directed to decide the proceedings.

6. The learned advocate Mr. Suryawanshi for respondent No. 3 opposes the applications. He submits that, in fact, it is the head office of the bank that would govern the jurisdiction.

7. The learned A.G.P prays for appropriate order.

8. After hearing the parties this Court finds substance in the submissions of the learned advocate for the applicants. When respondent No. 2 has no jurisdiction, this Court has still directed him to decide the proceedings. This Court also finds that, there is error apparent on the face of record. In view of the same, the order dated 07.10.2024 passed by this Court stands recalled.

9. Since the submissions are already considered, this Court finds that the main petitions can be disposed of.

10. In view of the same, in writ petitions following order is passed.

11. The proceedings filed under Section 101 of the M.C.S. Act be decided by the Assistant Registrar, Co-operative Societies, Niphad. The proceedings presently are lying in the office of Assistant Registrar, Niphad. The same be continued. There is no question of filing fresh applications under Section 101 of the M.C.S. Act. The proceedings be decided as early as possible and in any case by the end of 30.04.2025.

12. With this, the review applications and the writ petitions stands disposed of.

13. The parties to appear before the learned Assistant Registrar, Niphad on 10.02.2025.

(KISHORE C. SANT, J.)

P.S.B.