



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 5426 OF 2025

Ms Anantshree Construction Through Its Partner Mahesh Baburao
Kavtikwar And Others

VERSUS

The State Of Maharashtra Through The Secretary And Others

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Mr. Dodya Shrigopal G, Advocate for the Petitioner

Mr. S. V. Hange, AGP for Respondents State

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

Dated : 24th April, 2025

PER COURT :-

1. The petitioners, who are facing an enquiry under section 101 of the Maharashtra Cooperative Societies Act, submitted an application calling upon the respondent/Registrar to frame a preliminary issue and to decide it as to if the petitioners are members of the Cooperative Bank governed by the provisions of the Maharashtra Cooperative Societies Act.
2. We have heard the learned advocate for the petitioner.
3. Though the petition has been articulated as if to appear that merely a direction is solicited to the respondent/Registrar for taking appropriate decision on their application seeking framing and decision on the preliminary issue, copy of Roznama (Exh. D) annexed to the petition apparently shows that it has been expressly decided that the

application submitted by the petitioners and their stand regarding issue touching the membership will be considered and decided at the time of final decision.

4. Considering the mechanism provided under the Maharashtra Cooperative Societies Act in Chapter 13, since section 154 inter alia provides for revision against any decision or order, in our considered view, the impugned observation in the Roznama expressly declaring that the petitioners' application/objection shall be considered at the time of final decision, is a decision covered by section 154 of the Maharashtra Cooperative Societies Act. Consequently, it would be appropriate that the petitioners are relegated to the statutory remedy.

5. Writ petition is disposed with liberty to the petitioners to resort to the appropriate statutory remedy to ventilate the grievance.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)