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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9014 OF 2024

Dattatraya Vithoba Chandare

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. S. S. Panchpor a/w Mr. Aashay Rabade for petitioner.

Mr. N. K. Rajpurohit, AGP for respondent nos.1 to 3.

Mr. Nitin Gaware Patil for respondent no.4.

Mr. Narayan Gopinath Rokade a/w Udaysinh Deshmukh, Vikrant Kadam, Siddharth Ghodke, Abhang Suryawanshi and Harishchandra Jadhav for respondent no.5.

**CORAM: ALOK ARADHE, CJ. &
 BHARATI DANGRE, J.**

DATE: 3rd MARCH, 2025

ORDER [Per Chief Justice]:

1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.

2. In this petition, the petitioner, who is a member of respondent no.5, namely, Hanuman Vividh Karyakari Seva Sahakari Sanstha Maryadit, has sought a writ of certiorari for quashing the order dated 8th September, 2023 by which the Assistant Registrar of Cooperative Societies, Mulshi (Paud), District-Pune, has appointed the Divisional Officer, Mulshi, Pune District Central Cooperative Bank Ltd., Pune, as inquiry officer. The petitioner also seeks quashment of inquiry report dated 17th January, 2024.

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3. Facts giving rise to filing of present petition, in nutshell, are that the petitioner is a member of respondent no.5-Society. The petitioner submitted a complaint on 3rd March, 2021 and 18th November, 2021 regarding malpractices committed by the said society with regard to sanctioning of crop loan to certain members, despite they are being ineligible. On 19th July, 2023, Officer on Special Duty to respondent no.2-District Deputy Registrar (Rural) of Cooperative Society, Pune directed the respondent no. 3, namely, the Assistant Registrar of Cooperative Societies, Mulshi (Paud) to take an appropriate action on the complaint. Thereafter, the Assistant Registrar of Cooperative Societies, Mulshi (Paud) directed the Divisional Officer, Mulshi, Pune District Central Cooperative Bank Ltd., Pune to conduct an inquiry into the matter.

4. In pursuance of the aforesaid direction, the Divisional Officer, Mulshi has conducted an inquiry in which it has been found that the society has not indulged in any malpractices in sanctioning crop loan to certain members. It has also been stated in the inquiry report that all the members, who had taken crop loan have repaid the same to the society.

5. In the aforesaid factual background, the present petition is filed.

6. Learned counsel for the petitioner submits that in the inquiry report, no opinion has been given with regard to ineligibility of the members who had been sanctioned crop loan. It has further submitted that respondent no.4 has no authority to conduct an inquiry. Learned counsel for the petitioner further submitted that the Assistant Registrar of Cooperative Societies ought to have conducted the inquiry.

7. On the other hand, learned counsel for the respondent no.4 – Society submitted that on the instructions of the Assistant Registrar, Cooperative Societies, the Divisional Officer, Mulshi, Pune District Central Cooperative Bank Ltd., Pune has conducted an inquiry in which the petitioner has voluntarily participated without raising any objection. Our attention has been invited to page 66 of the affidavit-in-reply and it has been pointed out that five members to whom the crop loan was sanctioned were owners of the land.

8. We have considered the submission made on both the sides and have perused the record. The petitioner had made a complaint against the respondent no. 5 – Society on the ground that it has sanctioned crop loan to five members, who were not even owners of the land. On the basis of said complaint submitted by the petitioner, the Assistant Registrar, Cooperative Societies directed the respondent no.4 – Divisional Officer to conduct an inquiry, in which the petitioner has participated. From the perusal of the inquiry report and in particular, the documents annexed with affidavit-in-reply, it is evident that the members of the society, to whom the crop loan was sanctioned, were owners of the land. At page 66 of the affidavit-in-reply, the revenue record has been annexed which discloses that five members, to whom the crop loan was sanctioned, were the owners of the land. It is also pertinent to note that aforesaid five members have repaid the crop loan to the society.

9. For the aforementioned reasons, no case for inference in exercise of extra ordinary discretionary jurisdiction under Article 226 of the Constitution of India is made out. However,

the petitioner is set at liberty to take recourse to such remedy as may be available to him if his grievance still subsists.

10. With the aforesaid liberty, the petition is disposed of.

11. Pending Interim Applications, if any, stand disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)