



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1689 OF 2025

(Kanhoji Bhagat Majoor Sahakari Sanstha Maryadit Virli (Bhuj), Tahsil – Tumsar, District – Bhandara, through its Secretary Vs. The State of Maharashtra, through its Divisional Joint Registrar, Co-operative Societies, Nagpur & Ors.)

WITH WRIT PETITION NO. 3839 OF 2024

(Ruhant Mazoor Sahkari Sanstha Maryadit, Jamb, through its President & Ors. Vs. The Divisional Joint Registrar, Co-operative Societies, Nagpur & Ors.)

WITH WRIT PETITION NO. 5147 OF 2024

(Himali Majoor Sahakari Sanstha Maryadit, Mundipar, through its President/Secretary & Ors. Vs. The Divisional Joint Registrar, Co-operative Societies, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

WP No. 1689/2025

Mr. S.K. Tambde, Counsel for the petitioner.

Ms P.C. Bawankule, A.G.P for respondent nos. 1 and 2/State.

WP No. 3839/2024

Mr. R.M. Bhangde with Mr. K.S. Motwani, Counsel for the petitioners.

Ms P.C. Bawankule, A.G.P for respondent nos. 1 and 2/State.

Mr. N.L. Jaiswal, Counsel for respondent no.3.

WP No. 5147/2024

Mr. A.H. Patil, Counsel for the petitioners.

Ms P.C. Bawankule, A.G.P for respondent nos. 1 and 2/State.

Mr. N.L. Jaiswal, Counsel for respondent no.3.

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CORAM : ANIL L. PANSARE, J.
JULY 9, 2025

The learned Counsel for the petitioners in Writ Petition No. 3839/2024 submits that the issue involved is covered by the judgment passed by this Court in *Writ Petition No. 2135/2021 (Bhandara District Labour Co-operative Societies Federation, through its President Vs. State of Maharashtra & Ors.)* decided on 15/2/2022 with other connected petition.

2] The Primary Labour Co-operative Society applied for membership to respondent no.3, the Federation of Co-operative Society, namely, Bhandara District Labour Co-operative Societies Federation Limited, Bhandara. The membership was denied on the ground that the Government work, which is to be allotted, is not sufficient, and further that the general body of the federation has resolved so. This Court held that such ground is not available to the federation in the light of what is provided under Section 23 of the Maharashtra Co-operative Societies Act, 1960 (for short “Act of 1960”).

3] The learned Counsel submits that despite such judgment delivered on 15/2/2022, the respondent no.3 Federation has denied membership to the present primary societies for same reason and by relying upon the same general body resolution.

4] Thus, it is suggested that despite the federation having knowledge that the membership could not have been denied on the aforesaid ground, it has continued its illegality and, therefore, the impugned order is unsustainable.

5] The federation shall justify the stand. The parties shall file copy of resolution, which the federation has relied upon to deny the membership.

6] The learned Counsels appearing for the primary societies submit that respondent no.1, while dealing with the issue involved in the petitions, has denied membership, whereas, while dealing with the primary societies in Revision No. 519/2024 with

connected revisions, accepted the membership in case of Gondia Labour Federation.

7] Thus, it is suggested that respondent no.1 – revisional authority has taken different stand in identical matters.

8] The learned A.G.P shall take instructions, and file reply before next date.

The learned Counsel for the petitioners in Writ Petition No. 5147/2024 has invited my attention to the judgment of a Co-ordinate Bench of this Court in *Bajarang Labour Co-operative Society Vs. Divisional Joint Registrar of Co-operative Societies, Nagpur & Ors. [2016(4) ALL MR 30]* to contend that respondent no.1 had no jurisdiction to entertain and decide the revision application.

9] The learned Counsels appearing for the parties shall examine the issue and make submissions accordingly.

10] The matter is kept back at 2:30 pm.

(ANIL L. PANSARE, J.)

LATER ON

11] The parties are *ad idem* that the judgment in the case of *Bajarang Labour Co-operative Society (supra)* will be applicable, meaning thereby, that since powers of the Registrar were delegated to respondent

no.2 – District Deputy Registrar, Co-operative Societies, Bhandara, the revision against the order passed by respondent no.2 will not lie before respondent no.1 – Divisional Joint Registrar, Co-operative Societies, Nagpur.

12] The proceedings under question were initiated by the petitioners under Section 23(2) of the Act of 1960, and these proceedings lie before the Registrar.

13] In the circumstances, merely because respondent no.2 has exercised powers of Registrar, respondent no.3 cannot argue that the revision under Section 154 will be maintainable before the Registrar or Divisional Joint Registrar. That apart, even if this argument is to be accepted, the revision will lie before the Registrar and not before the Divisional Joint Registrar.

14] In the present case, the revision has been entertained by the Divisional Joint Registrar, who had no authority to exercise the jurisdiction under Section 154 of the Act of 1960. The order passed by respondent no.1 is, thus, unsustainable.

15] The petitions are accordingly allowed. Order dated 13/5/2024 passed by respondent no.1 – Divisional Joint Registrar, Co-operative Societies, Nagpur, in Revision Application No. 687/2023, is quashed and set aside. Order dated 21/6/2023 passed by respondent no.2 – District Deputy Registrar, Co-operative Societies, Bhandara, is restored. Respondent no.3 shall be, however, at liberty to challenge the order passed by respondent no.2 before appropriate forum unless otherwise barred by law. Needless to say that if the proceedings are so filed,

the forum before whom the proceedings are filed, may consider extention of benefit under Section 14 of the Limitation Act, 1963.

16] The petitions are disposed of in above terms. No costs.

(ANIL L. PANSARE, J.)

Sumit