



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.4682/2025

Anand V Div. Joint Registrar, Cooperative Societies, Amravati and others

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

Court's or Judge's orders

Mr. Khapre, Senior Advocate a/b Mr. P.A. Kadu, Advocate for petitioner.
Mr. Ghuge, Advocate h/f Mr. N.A. Gawande, Advocate for Caveator/resp. nos.2 to 12.
Ms. P.C. Bawankule, AGP for resp. no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 20-08-2025.

Heard Mr. Khapre, learned Senior Advocate, Mr. Ghuge, learned Advocate holding for Mr. N.A. Gawande, Advocate for respondent nos. 2 to 12 and Ms Bawankule, learned AGP for respondent no.1.

2. Learned Counsel for the petitioner seeks liberty to amend prayer clause-(i) to restrict challenge to show cause notice dated 30-06-2025 and consequential proceedings.

3. Leave granted. Amendment be carried out forthwith.

4. Petitioner has challenged show cause notice dated 30-06-2025 issued by respondent no.1-Divisional Joint Registrar, Cooperative Societies, Amravati under Section 73CA of the Maharashtra Cooperative Societies Act, 1960 (for short, 'the Act'). On the objection of maintainability of petition on account of challenge to the show cause notice, learned Counsel for the petitioner relies upon judgment in the matter **Smt. Jyoti w/o Anil Ganeshpure Vs State of Maharashtra and others**, reported in

2006(2) ALL MR 196 and submits that show cause notice is in the nature of an order and therefore the petition is maintainable.

5. It is submitted that show cause notice under Section 73CA of the Act is unsustainable since there is no material to attract the provisions of Section 73CA, A(1), c(i)(ii) of the Act. It is submitted that show cause notice is issued on the basis of a resolution by the Committee refusing approval of travelling expenses incurred by the petitioner. It is therefore submitted that there is no foundation for issuing show cause notice under Section 73CA of the Act and the consequential proceedings are therefore not maintainable

6. Mr. Ghuge, learned Counsel for the respondents strongly opposes the petition and submits that the petitioner has appeared before respondent no.1 Authority by engaging an Advocate and has sought time to submit reply on merits to the show cause notice. It is therefore submitted that since the petitioner has already joined the proceedings, the challenge to the show cause notice by way of this petition need not be entertained.

7. In view of the controversy involved, since the proceedings before respondent no.1 are pending and the petitioner has participated and sought time to file reply on merits and by considering the facts and circumstances of the case following order is passed:

8. The petitioner is permitted to raise a preliminary objection about the conduct of the proceedings under Section 73CA of the Act before respondent no.1 by filing appropriate objections/reply(s) within 10 days from today. On submission of such objection, respondent no.1 shall take decision on the preliminary objection within a further period of 10 days.

9. In case any adverse order is passed on the issue of maintainability of proceedings under Section 73CA of the Act, the petitioner will be entitled to raise challenge by way of appropriate proceedings, however same shall not be given effect for a period of 10 days from the date of said order.

10. Writ Petition is accordingly disposed of.

(Prafulla S. Khubalkar, J.)