



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

CIVIL APPLICATION NO.2322 OF 2024
IN
WRIT PETITION NO.3892 OF 2024

Mirza Zakaulla Baid Vs. State of Maharashtra and Others

WITH
CIVIL APPLICATION NO.2324 OF 2024
IN
WRIT PETITION NO.4749 OF 2024

Mirza Zakaulla Baid Vs. State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.B. Bhise, Advocate for the Petitioners in both these petitions.
Mr. C.A. Lohia, Advocate for the Applicant/Intervenor in both these applications.
Mr. A.A. Madiwale, AGP for Respondent/State.

CORAM: SIDDHESHWAR S. THOMBRE, J.
DATED : 15th OCTOBER, 2025

1. These applications are for seeking permission to intervene in the present writ petitions.
2. For the reasons stated in the applications, the applications are **allowed**.
3. Learned counsel for the petitioners to make necessary amendment forthwith and add the applicant/intervenor as party respondent to the present proceedings.
4. The applications are **disposed off**.

WRIT PETITION NO.3892 OF 2024 WITH
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4. Heard Mr. V.B. Bhise learned counsel for the petitioners and Mr. C.A. Lohia, learned counsel for the applicants/intervenors and Mr. A.A. Madiwale, learned AGP for respondent/State.

5. In both these writ petitions, the petitioners are challenging the order passed by respondent No.3 under Section 35 of the Maharashtra Co-operative Societies Act, whereby, an action of expulsion of 34 people out of 42 was taken.

6. Learned counsel for the petitioners strenuously submits that this action was taken by the authority i.e. respondent No.3 on the basis of the proposal submitted by the Administrator who does not have power and therefore, both the counsels have submitted the order passed by the Taluka Deputy Registrar is liable to be set-aside.

7. Per contra learned counsel for the respondent and learned AGP for respondent/State as well as learned counsel for the applicant/intervenor submits that against the order passed by the Deputy Registrar under Section 35, the petitioners are having an alternate and equally efficacious remedy of filing an appeal under Section 152 of the Maharashtra Co-operative Societies Act and on that ground prayed to dismiss the petition.

8. Learned counsel for the applicant/intervenor submits that in-fact the petitioners are not having any plots in the society and therefore, he supported the order

of expulsion passed by respondent No.3, pursuant to the proposal submitted by the administrator and he supported the proposal submitted by the administrator.

9. Having gone through the order passed and the submissions advanced by the learned counsels for the respective parties, in view of the fact that a specific remedy of filing an appeal under Section 152 is available to the petitioners, the writ petition is liable to be dismissed, with liberty to the petitioner to file an appeal before the Appellate Authority within a period of four weeks from today.

10. It is made clear that this Court has not recorded any finding on the merit of the matter and it is for the Appellate Authority to consider all the aspects of the matter including the powers of the administrator to submit a proposal.

11. In view thereof, the present writ petition is **allowed**. Accordingly, I pass the following order :-

ORDER

(i) Order dated 06.02.2024 passed by the respondent No.3 Taluka Deputy Registrar, Co-operative Society, Tq. Akola is hereby quashed and set-aside.

(ii) The petitioner is directed to file an appeal within a period of four weeks.

(iii) The delay, if any, caused while prosecuting the present petition be taken into

consideration by the Appellate Authority while considering the application for condonation of delay.

(iv) Interim order passed in both these petitions shall continue till the Appellate Authority decide the matter on its own merits.

(v) In-case, any adverse order is passed against the petitioners, the interim order shall continue for a period of 15 days.

(SIDDHESHWAR S. THOMBRE J.)

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