



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

CIVIL APPLICATION NO.3147 OF 2025

IN

WRIT PETITION NO. 8444 OF 2025

Prashant Pralhadrao Apradhe & Ors.

Vs.

State of Maharashtra, Department of Cooperation, Mantralay, Mumbai & Ors.

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

Court's or Judge's orders.

Mr. Harish Dangre, Advocate for the Applicants/Petitioners.

Ms. Deepali Sapkal, AGP for Respondent Nos.1 & 2/State.

CORAM : RAJ D. WAKODE, J.

DATE : 26th DECEMBER, 2025.

Heard Mr. Harish Dangre, learned counsel for the petitioners.

2. The petitioners are the elected Board of Directors of respondent No.3 Society. Respondent No.3 is a Primary Agricultural Credit Co-operative Society. Elections to the aforesaid Board of Directors of respondent No.3 Society were conducted on 25.05.2025. The issue involved in the present writ petition, as well as the impugned notice, pertains to a loan application submitted by Sau. Priyanka Yogesh Mahalle during the tenure of the earlier managing body. The earlier body had called for a report on the said loan application, wherein it was revealed that Sau. Priyanka Yogesh Mahalle does not possess any agricultural land within the jurisdiction of village Tondgaon.

3. Mr. Dangre, learned counsel for the petitioners, has invited my attention to the bye-laws of respondent No.3 Society, which clearly indicate that Clause (6), pertaining to membership, and in particular sub-clause (3) thereof, provides that a person intending to become a member of the Society must possess agricultural land within the territorial jurisdiction of the Society and must own at least 10 R of agricultural land. The said issue was considered by the earlier managing body, and on the basis of the aforesaid report, the federal society rejected the loan application of Sau. Priyanka Yogesh Mahalle. The Amravati District Central Co-operative Bank Ltd., relying upon the said report, rejected the aforesaid loan application vide its communication dated 23.04.2025. In the meanwhile, elections were conducted on 25.05.2025, pursuant to which the present petitioners were elected as Members of the Board of Directors of respondent No.3 Society.

4. Sau. Priyanka Yogesh Mahalle raised a grievance against the rejection of her loan application before respondent No.2, the Assistant Registrar of Co-operative Societies, Chandur Bazar. Since it was revealed in the investigation report that Sau. Priyanka Yogesh Mahalle does not possess any agricultural land within the territorial jurisdiction of respondent No.3 Society, her membership was cancelled by the Board of Directors of respondent No.3 Society vide Resolution dated 23.09.2025. Respondent No.2, upon an application filed by Sau. Priyanka Yogesh Mahalle on 07.04.2025, issued a notice under Section 79(1) of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as “the Act of 1960”) on

17.09.2025. The said notice issued under Section 79(1) was challenged by the petitioners before the Divisional Joint Registrar, Co-operative Societies, Amravati, by filing Appeal No.431 of 2025 on 31.10.2025.

5. Mr. Dangre, learned counsel, submits that the aforesaid appeal is still pending. During the pendency of the said appeal, respondent No.2 issued the impugned show cause notice dated 29.09.2025 under Section 78 of the Act of 1960, which is placed on record at page No.102 (Annexure-K). As the petitioners have approached this Court challenging the impugned show cause notice dated 29.09.2025, and the present writ petition was filed on 23.12.2025 bearing Stamp No.29344 of 2025, the petitioners submitted an application to respondent No.2 bringing to his notice the pendency of the present writ petition.

6. Today, when the matter was called out, Mr. Dangre, learned counsel, filed a Civil Application seeking appropriate interim relief. Along with the said application, Mr. Dangre placed on record an affidavit duly sworn by petitioner No.1, Prashant Pralhadrao Apradhe, narrating the incident that occurred when he approached respondent No.2 for submitting the application. The affidavit reads thus:

“That in the petition the petitioners challenged the show cause notice dated 29.09.2025 passed by the respondent no.2 under Section 78 of the M.C.S. Act, 1960. That in the proceeding under Section 78 pending on the file of respondent no.2, the petitioners argued on the preliminary objection taken by them regarding

maintainability of the proceeding on 26.11.2025. That the deponent (petitioner no.1) on 24.12.2025 went to the office of respondent no.2 at near about 04.30 p.m. for serving the copy of petition at that time the respondent no.2 told the petitioner no.1 that I will going to pass final order in the matter and I will not be heard in the matter to the petitioners anymore.”

7. When petitioner No.1 visited the office of respondent No.2, respondent No.2 informed him that he was going to pass the final order in the matter and that the petitioners would not be heard any more. In view of the said statement, Mr. Dangre moved the present application before this Court during vacation. Considering the emergent nature of the matter, when the case was taken up in the first half, the Court enquired with the learned AGP, Ms. Deepali Sapkal, with regard to the aforesaid application and the statement made on behalf of petitioner No.1 concerning the conduct of respondent No.2.

8. When the matter was called out in the second half, upon enquiry with Ms. Sapkal, learned AGP, regarding the status of the proceedings, she informed the Court that, on the basis of telephonic instructions received from respondent No.2, the Assistant Registrar, Co-operative Societies, Chandur Bazar, Ms. Sarupa Zumade, it was stated that the order in the said proceedings had already been passed on 24.12.2025 pursuant to the impugned show cause notice dated 29.09.2025, which is under challenge before this Court in the present writ petition. The aforesaid statement substantiates the apprehension expressed by the petitioners and justifies the filing of the present Civil Application.

9. In view of the facts stated above, I am inclined to grant the present application in terms of alternative prayer Clause (2). Hence, the following order:

- i) Civil application is allowed.
- ii) There shall be relief in terms of alternative prayer Clause (2), which is reproduced below:

“2. In alternative, if any adverse order is passed by the respondent No.2 in the proceeding under Section 78 of the M.C.S. Act, 1960 in view of show cause notice dated 29.09.2025 (Annex-K), in that event no effect to the said order be given till four weeks, to enable the petitioners to take recourse to the law to challenge the same, in the interest of justice and equity.”

- 10. Civil application is disposed of accordingly.

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- 11. Heard.
- 12. Issue notice to the respondents, returnable on 15th January, 2026.
- 13. Ms. Deepali Sapkal, learned AGP, waives service of notice on behalf of respondent Nos.1 and 2.
- 14. In addition to the usual mode, the petitioners to serve respondent No.3 by private mode.
- 15. Learned AGP is requested to inform this order to respondent No.2.

(RAJ. D. WAKODE, J.)