2026:BHC-AUG:19326

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6806 OF 2024

SHRI. LIMBAJI NANA KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
...
Mr. Kamlakar J. Suryawanshi, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.

DATE : 27th APRIL, 2026

PER COURT :

1. By this petition, petitioner challenges communication / order dated 28/02/2024, issued by respondent No.4, thereby refusing to initiate further action in pursuance to the inquiry report under Section 83 of the Maharashtra Cooperative Societies Act, 1960 (For short 'MCS Act, 1960') in respect of Late Vasantrao Naik Nagari Sahakari Path Sanstha Ltd., Kharwandi Kasar, Tq. Pathardi, District Ahmednagar. Direction is also sought to initiate inquiry under Section 88 of the MCS Act, 1960 on the basis of inquiry report under Section 83, against the said Society.

2. Heard learned advocate for petitioner and learned AGP for respondents/State. Perused the impugned order and reply filed by respondent Nos.2 to 4.

3. Perusal of the impugned order shows that respondent

No.4 has applied his mind to the facts and the record placed before him, including the report under Section 83, report submitted by Mr. P. S. Pise, Assistant Auditor and report submitted by Mr. S. S. Thorat, Assistant Auditor.

4. After going through the documents and papers available, we find that the report submitted under Section 83 of the MCS Act, 1960 and the reports submitted by Mr. S. S. Thorat and Mr. P. S. Pise as well as inspection made by respondent No.4 himself are contrary to each other. Record reveals that due to the complaint of petitioner, apart from regular audit, special audit was directed through Mr. S. S. Thorat and Mr. P. S. Pise. Respondent No.4 found no evidence or proof in respect of allegation of petitioner that there is huge misappropriation at the instance of said Society. He has categorically observed in the impugned order that in the inquiry report under Section 83, inquiry officer has not stated as to in which transaction how much misappropriation is done. No exact figure is stated and vague statement is made in the report that there was misappropriation. It is further mentioned that, after going through the audit report, report submitted by Mr. S. S. Thorat, report submitted under Section 83 and the report of liquidator, it is clear that there is no material / evidence in respect of misappropriation or corruption while selling of property of the Society, which was purchased at Rs.12 Lakhs and sold for Rs.17 Lakhs is found. So, there is no misappropriation and/or loss caused to the Society.

5. Taking into consideration the observations made by respondent No.4 in the impugned order and since he has taken all the relevant aspects and reports into consideration, we do not find any illegality or perversity in the order impugned in present petition. No case is made out by the petitioner to interfere with the impugned order in exercise of extraordinary writ jurisdiction. Writ petition is, therefore, dismissed.

(VAISHALI PATIL JADHAV, J.) **(NITIN B. SURYAWANSHI, J.)**