



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3312 OF 2026**

Shri. Nagnath s/o Ramrao Patil
Age: 59 years, Occ.: Agri,
R/o: Shivani (Majra), Tq. Chakur,
Dist. Latur.

..Petitioner

VERSUS

1. The State of Maharashtra,
Through the Secretary,
In the Department of Co-operation,
Mantralaya, Mumbai-32.
2. The Co-operative Commissioner & Registrar,
Co-operative Societies,
Maharashtra State, Pune.
3. The Divisional Joint Registrar,
Co-operative Societies, Latur,
Tq. & Dist. Latur.
4. Shri. Sandeep Suryakant Shete
Age: 45 years, Occ: Agri.,
R/o. Chakur, Tq. Chakur, Dist. Latur
5. Achutrao s/o Girirao Patil (Solunke)
Age: 60 years, Occ: Agri.,
R/o. Nandgaon, Tq. Chakur, Dist. Latur.
6. The Latur District Central
Cooperative Bank Latur,
through its Managing Director

..Respondents

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Mr. A.N. Irpatgire, Advocate for Petitioner.
Mr. S.P. Joshi, AGP for Respondent/State.
Mr. K.J. Suryawanshi, Advocate for Respondent No.5.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 30, 2026

FINAL ORDER :-

1. Present petition takes exception to show cause notice dated 07.01.2026 and order dated 06.03.2026 passed by respondent

no.3 rejecting preliminary objection dated 18.02.2026 moved by petitioner.

2. The petitioner is elected committee member of Latur District Central Cooperative Bank. He has been served with show cause notice dated 07.01.2026 by Divisional Joint Registrar, Cooperative Societies, Latur under section 73-CA (1) and 78-A (1)(b) of Maharashtra Cooperative Societies Act, 1960 ('MCS Act' for short). It is alleged that show cause notice is served under political pressure with predetermined mind by misinterpreting provisions of MCS Act, 1960 and Rules, 1961.

3. Mr. Irpatgire, learned advocate appearing for petitioner submits that section 73-CA of MCS Act provides for disqualification of committee members. The petitioner does not fall within purview of any disqualification contemplated under said provision. The petitioner was committee member of Jai Jawan Jai Kisan Shetkari Sakhar Karkhana during period from 2004-05 to 2009-10. The said sugar factory had borrowed loan from Maharashtra State Cooperative Bank. The decree is passed for recovery of dues of loan against said Karkhana and petitioner for the reason that he was guarantor to loan. Mr. Irpatgire submits that guarantor cannot be treated as defaulter of loan for purpose of disqualification contemplated under section 73-CA of MCS Act, 1960.

4. Per contra, Mr. K.J. Suryawanshi, learned advocate appearing for respondent no.5 submits that petitioner is barely served with show cause notice. The notice is served by competent authority under law. It is for the petitioner to file reply to show cause notice. All contentions raised by petitioner can be considered and decided by competent authority. There is no reason to entertain writ petition impugning show cause notice.

5. Mr. Irpatgire would endeavour to point out that petitioner has raised specific preliminary objections pointing out aforesaid legal and factual aspects. However, same has been rejected by impugned order dated 06.03.2026, which shows predetermined mind and political reason behind issuance of show cause notice.

6. Considering rival submissions, it is discernible that petitioner is not borrower of loan from respondent no.6. He was Director of Jai Jawan Jai Kisan Shetkari Sakhar Karkhana. Possibly, he was guarantor of loan borrowed by Karkhana from Maharashtra State Cooperative Bank. *Prima facie*, Section 73-CA of MCS Act, 1960 do not show that guarantor of loan against whom decree is passed by Cooperative Court can be termed as default member. However, it would be a matter to be decided on merit after considering relevant record. It would be open for petitioner to file detailed reply and satisfy respondent no.3, as to how his default as guarantor is beyond purview of disqualification contemplated under section 73-CA of MCS

Act, 1960 and as to how action proposed against him is beyond scope of disqualification. However, looking to the observations of respondent no.3 in impugned order dated 06.03.2026, *prima facie*, this Court has reason to believe that concerned authority has prejudged about disqualification of petitioner. In this backdrop, purpose would be served if limited protection is extended to petitioner, in case respondent no.3 passes disqualification order against petitioner.

7. In result, writ petition stands disposed of with liberty in favour of petitioner to raise all contentions before respondent no.3/authority by filing detailed reply.

8. In case adverse order is passed against petitioner, order of disqualification shall be kept in abeyance for a period of 2 weeks from date of such order so that petitioner can avail appropriate remedy against disqualification order, as permissible under law.

(S.G. CHAPALGAONKAR, J.)