



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

WRIT PETITION NO. 7245 OF 2024

Matsya Yojna Sahakari Sanstha Maryadit, Umred, Tah. Umred, Dist. Nagpur
Vs.

State of Maharashtra, Thru. Regional Deputy Commissioner for Fisheries, Nagpur Region,
Nagpur and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. C.P. Chandurkar, Advocate for petitioner.
Mr. N.S. Rao, AGP for respondent Nos.1 to 3/State.
Mr. C.R. Sharma, Advocate for respondent No.4.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 29.01.2026

In the present writ petition, the grievance raised by the petitioner is that he was not allowed to participate in the auction process held on 12.12.2024, for allotment of Pandhrabodi tank, situated at village – Kalmana, Tah. Umred, District-Nagpur, for the fishing purposes.

2. Having perused the record, it is evident that on three grounds the petitioner – Society was disqualified and such disqualification was communicated to the petitioner vide letter dated 26.11.2024, by the Assistant Registrar Co-operative Societies (Dairy), Nagpur. The grounds which were communicated to the petitioner for its

disqualification was (i) registration certificate does not bear name of petitioner – Society, (ii) no elections conducted after 2022, (iii) non-compliance to the notice dated 29.11.2023, issued under Section 102(1)(c)(iv) of the Maharashtra Co-operative Societies Act, 1960.

3. As far as the first ground is concerned, as regards registration certificate, the learned AGP on verification of record fairly states that he does not want to place this point.

4. As regards, the second ground/count despite specific query to point out any disqualification on such ground under the Government Resolution dated 03.07.2019, or under the provisions of the Maharashtra Co-operative Societies Act, 1960 or Maharashtra Co-operative Societies Rules, 1961, the learned AGP could not point out. In absence of any such provision to disqualify any society to participate in the auction for the reason that after completion of the term of five years no elections are held, this point also goes.

5. As far as third ground is concerned with respect of initiation of liquidation proceeding, there is no doubt that there is a specific condition under Clause 17.2 (d) in the Government Resolution dated 03.07.2019, that if any liquidation proceeding is pending or the society has

been closed in the liquidation proceeding, such society cannot participate in such action.

6. In the matter at hand, admittedly, the petitioner–Society was declared disqualified on 26.11.2024, on the basis of show cause notice dated 29.11.2023, issued under Section 102(1) of the Act of 1960.

7. On perusal of notice dated 29.11.2023, it is evident that it was just a show cause notice as to why liquidation proceedings should not be initiated under Section 102(1) of the Act of 1960 against the petitioner – Society. Issuance of show cause notice cannot be termed as initiation of liquidation proceeding for the simple reason that such issuance of show cause notice is nothing but calling explanation why such action should not be taken. It is always open for the authority that, after receiving such reply or explanation to take decision whether to proceed or not to initiate liquidation proceedings.

8. Thus, it cannot be said that vide notice dated 29.11.2023, the liquidation proceeding was initiated against the petitioner – Society. Interestingly, the interim order passed in the liquidation proceeding on 03.12.2024,

was subsequently vacated, and such proceeding of liquidation was dropped.

9. Thus, it is evident that on the date of declaring the petitioner – Society as disqualified to participate in the auction process, there was no liquidation proceeding pending against the petitioner – Society. In the circumstances, though no ground was available against the petitioner – Society to preclude from participating in the auction process, the petitioner was illegally prevented from participating in the process. In that view of the matter, we are of the opinion that the petition needs to be allowed. Accordingly, we pass the following order :

- (i) The writ petition is allowed.
- (ii) The allotment of Pandhrabodi tank in favour of respondent No.4 is hereby quashed and set aside as it was allotted during the pendency of the present petition and vide order dated 19.12.2024, it was made subject to the result of this petition.
- (iii) The respondent Nos.2 and 3 are directed to hold the auction process of the tank in question i.e. Pandhrabodi tank situated at village – Kalmana, Tah. Umred, District – Nagpur, afresh and allow the petitioner to participate in the same.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)