

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

(1) WRIT PETITION NO.2109 OF 2023

Dahigaon Seva Sahakari Society Ltd.
 Regd. No. 603 through its Secretary
 Shankar Dinesh Jumale
 Age-30, Occu : Agriculturist
 R/o. Dahigaon, Tq. Anjangao Surji,
 Dist. Amravati. .. Petitioner

.. Versus ..

- 1] Commissioner Co-operation &
 Registrar, Co-operative Society
 Maharashtra State, Pune
 (Maharashtra)

- 2] District Deputy Registrar,
 Co-operative Society, Amravati,
 Tq. Dist.Amravati.

- 3] Assistant Registrar, Co-operative
 Society, Anjangao Surji,
 Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(2) WRIT PETITION NO.2110 OF 2023

Chousala Seva Sahakari Society Ltd.
 Regd. No. 471 through its Secretary
 Shankar Dinesh Jumale
 Age-30, Occu : Agriculturist
 R/o. Chousala, Tq. Anjangao Surji,
 Dist. Amravati. .. Petitioner

.. Versus ..

- 1] Commissioner Co-operation &
 Registrar, Co-operative Society
 Maharashtra State, Pune
 (Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist.Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(3) WRIT PETITION NO.2111 OF 2023

Pandhari Seva Sahakari Society Ltd.
Regd. No. 949 through its Secretary
Shankar Dinesh Jumale
Age-30, Occu : Agriculturist
R/o. Pandhari, Tq. Anjangao Surji,
Dist. Amravati. .. Petitioner

.. Versus ..

1] Commissioner Co-operation &
Registrar, Co-operative Society
Maharashtra State, Pune
(Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist.Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(4) WRIT PETITION NO.2112 OF 2023

Dhanwadi Seva Sahakari Society Ltd.
Regd. No. 707 through its President
Ishawar Shrikrushna Sadafale
Age-35, Occu : Agriculturist

R/o. Dhanwadi, Tq. Anjangao Surji,
Dist. Amravati. .. Petitioner

.. Versus ..

1] Commissioner Co-operation &
Registrar, Co-operative Society
Maharashtra State, Pune
(Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist. Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist. Amravati .. Respondents

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(5) WRIT PETITION NO.2113 OF 2023

Dahigaon Seva Sahakari Society Ltd.
Regd. No. 604 through its Secretary
Shankar Dinesh Bombatkar
Age-25, Occu : Agriculturist
R/o. Dahigaon, Tq. Anjangao Surji,
Dist. Amravati. .. Petitioner

.. Versus ..

1] Commissioner Co-operation &
Registrar, Co-operative Society
Maharashtra State, Pune
(Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist. Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist. Amravati .. Respondents

(6) WRIT PETITION NO.2114 OF 2023

Karla Seva Sahakari Society Ltd.
 Regd. No. 689 through its President
 Balkrushna Ramrao Tolmare
 Age-38, Occu : Agriculturist
 R/o. Karla, Tq. Anjangao Surji,
 Dist. Amravati. .. Petitioner

.. Versus ..

- 1] Commissioner Co-operation & Registrar, Co-operative Society Maharashtra State, Pune (Maharashtra) ..
- 2] District Deputy Registrar, Co-operative Society, Amravati, Tq. Dist.Amravati. ..
- 3] Assistant Registrar, Co-operative Society, Anjangao Surji, Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(7) WRIT PETITION NO.2115 OF 2023

Wanoja Seva Sahakari Society Ltd.
 Regd. No. 514 through its President Nilesh Ramdas Patond
 Age-48, Occu : Agriculturist
 R/o. Wanoja, Tq. Anjangao Surji,
 Dist. Amravati. .. Petitioner

.. Versus ..

- 1] Commissioner Co-operation & Registrar, Co-operative Society Maharashtra State, Pune (Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist.Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(8) WRIT PETITION NO.2116 OF 2023

Surji Seva Sahakari Society Ltd.
Regd. No. 449 through its Secretary
Bhupendra Devidasji Deshmukh
Age-35, Occu : Agriculturist
R/o. Anjangaon Surji, Tq. Anjangao Surji,
Dist. Amravati. .. Petitioner

.. Versus ..

1] Commissioner Co-operation &
Registrar, Co-operative Society
Maharashtra State, Pune
(Maharashtra)

2] District Deputy Registrar,
Co-operative Society, Amravati,
Tq. Dist.Amravati.

3] Assistant Registrar, Co-operative
Society, Anjangao Surji,
Tq. Anjangao Surji, Dist.Amravati .. Respondents

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(9) WRIT PETITION NO.2117 OF 2023

Songaon Seva Sahakari Society Ltd.
Regd. No. 381 through its President
Sau. Mangala Vilas Pote
Age-52, Occu : Household
R/o. Songao, Tq. Anjangao Surji,
Dist. Amravati. .. Petitioner

.. Versus ..

- 1] Commissioner Co-operation & Registrar, Co-operative Society Maharashtra State, Pune (Maharashtra)
- 2] District Deputy Registrar, Co-operative Society, Amravati, Tq. Dist.Amravati.
- 3] Assistant Registrar, Co-operative Society, Anjangao Surji, Tq. Anjangao Surji, Dist.Amravati .. Respondents

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 Shri T.U. Tathod, Adv. with Shri N.A. Gawande, Adv. for the petitioners,
 Shri A.A. Madiwale, Assistant Government Pleader for the respondents.

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(10) WRIT PETITION NO.1833 OF 2023

- 1] Naygaon Seva Sahakar Sanstha Maryadit, Reg. No.316, Through its President Shri Ashish s/o Ganeshrao Hood, Age 42 years, Occ-Agriculturist, R/o. Naygaon, Taluka-Achhalpur, District-Amravati.
- 2] Shampur Seva Sahakari Sanstha Maryadit, Reg. No.716, Through its President Shri Nandkishor s/o Bapuraoji Turkhade, Age 62 years, Occ-Agriculturist, R/o. Shampur, Taluka-Achhalpur, District-Amravati.
- 3] Borgaon Dori Seva Sahakari Sanstha Maryadit, Reg. No. 657, Through its President Shri Ashok s/o Babaraoji Jawanjal, Age 59 years, Occ-Agriculturist, R/o. Borgaon Dori, Taluka-Achhalpur, District-Amravati. .. Petitioners

.. Versus ..

- 1] The State of Maharashtra, Through
Commissioner of Co-operative
Societies, Pune.
- 2] The District Deputy Registrar of
Co-operative Societies, Amravati.
- 3] The Assistant Registrar,
Co-operative Societies,
Taluka-Achalpur,
District-Amravati. .. Respondents

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Shri S.S. Shingane, for the petitioners,
Shri A.A. Madiwale, Assistant Government Pleader for the respondents.

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CORAM : A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.
DATED : 31.03.2023.

COMMON JUDGMENT (Per : A.S. Chandurkar, J.)

Writ Petition Nos.2110/2023, 2111/2023, 2112/2023, 2113/2023,
2114/2023, 2115/2023, 2116/2023, 2117/2023 and 1833/2023 are not on
Board. Taken on Board.

2. **Rule.** Rule made returnable forthwith. Learned Assistant
Government Pleader waives notice for the respondents.

3. The challenge raised in these writ petitions is to the Show Cause
Notice issued to each petitioner-Cooperative Society under Section 102

(1) of the Maharashtra Cooperative Societies Act, 1960. By the said notices, the petitioners have been called upon to show cause why each society should not be put in liquidation.

4. It is urged by the learned Advocate for the petitioners that the Show Cause Notices have been issued ignoring the Circular dated 23.09.2013 issued by the Department of Cooperative Marketing and Textiles, whereby the modality of undertaking the process of reviving and strengthening the societies has been undertaken. It is urged that under the said Circular various steps are required to be first taken with regard to societies having Negative Net worth before proceeding to liquidate such societies. On the basis of extraneous considerations, the impugned show cause notices have been issued.

5. We find that under the Show Cause Notices, the societies were called upon to submit their say on **05.04.2023**. It is submitted that such replies have been submitted by the societies.

6. Our attention is invited to order dated 20.02.2023 passed in Writ Petition No.1135/2023 (Dattapur Seva Cooperative Society Limited, Dhamangaon Railway .vs. State of Maharashtra and others), wherein while permitting the statutory authority to adjudicate upon the

show cause notice, protection for a period of two weeks from passing of an adverse order has been granted.

7. We are inclined to follow the similar course. Accordingly, the following order is passed :

ORDER

(i) It is open for the respondent no.3 to consider the reply given by each Cooperative Society to the impugned Show Cause Notice issued to them.

(ii) In case any order adverse to the societies is passed in view of the impugned show cause notice, the same shall not take effect for a period of two weeks from the date of passing of such order.

(iii) Keeping all contentions on merits open, the writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

JUDGE

JUDGE

Gulande