



(Order)

(1)

W.P. No. 08062 of 2017
2026:BHC-AUG:20709

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 08062 of 2017

District : Parbhani

Dr. Babasaheb Ambedkar Magaswargiya
Aoudyogik Utpadak Sahakari Sanstha
Maryadit, Gangakhed,
Through its Chairman,
Shri Raju Sambhaji Sawant.

.. Petitioner.

versus

The State of Maharashtra,
Through its Secretary,
Co-operative Department,
Mantralaya, Mumbai - 32,
& 04 others.

.. Respondents.

.....

Mr. Sudhir K. Chavan, Advocate, for the petitioner.

*Mr. Y.G. Gujrathi, Asst. Government Pleader, for
respondents no.01 to 04.*

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 21ST JUNE 2017

ORAL ORDER :

01. Leave to amend granted.
02. Issue notice to respondents, returnable on 19th July 2017.
03. Learned Asst. Government Pleader waives service of notice on behalf of respondents no.01 to 04.



04. Learned Counsel for the petitioner urges for interim relief contending that a very drastic step is being directed to be taken with reference to the report. The Society had never been apprised of the proceedings nor any notice at any point of time has ever been given either to the petitioner or members of the Committee. The whole proceedings are without following principles of natural justice. Learned Counsel contends that in case of any discrepancy, it is incumbent under the statutory provisions to intimate the Society or its members about same and to give them opportunity. He submits that a criminal liability is sought to be fastened onto them under the impugned order. He, therefore, urges for interim relief.

05. Learned Asst. Government Pleader appearing for respondents no.01 to 04 seeks time to file reply. He contends that there is illegality / irregularity in expenditure as a very big amount more than due has been expended. In the circumstances, having regard to provisions of Section 146 of the Maharashtra Co-operative Societies Act, 1960, offence emerges and as such, learned Asst. Government Pleader requests not to give indulgence to the request made on behalf of the petitioner.

06. Having regard to the aforesaid contentions, in the circumstances, it appears to be expedient that the purported action pursuant to the impugned order may be kept in abeyance till the next date.

07. Hence, till the next date, action in pursuance of the impugned order be put on hold.

08. In addition to court process, petitioner to serve



(Order)

(3)

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respondent no.05 privately by any legally admissible mode and to file an affidavit with tangible proof of service. In case of failure to serve respondent no.05 and file service affidavit stating that the said respondent is served or not at least a week before the returnable date, the *ad interim* relief would cease to operate without further reference to the court.

(Sunil P. Deshmukh)
JUDGE

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