



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 207 OF 2026

Anil Ganjidhar Pawar .. Petitioner

versus

A. S. Ahire Custodian
Dhule Zilla Parishad Employees
Cooperative Housing Society Ltd. .. Respondent

AND

WRIT PETITION NO. 208 OF 2026

Anil Ganjidhar Pawar .. Petitioner

versus

A. S. Ahire Custodian
Dhule Zilla Parishad Employees
Cooperative Housing Society Ltd. .. Respondent

**CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.**

DATE : 8th MAY, 2026.

PER COURT :

1. Both the petitions have been filed seeking challenge to the notice dated 08.08.2025 issued by the Dhule Zilla Parishad Employees Cooperative Society Limited, Dhule, for removing the name of the Petitioner Society in respect of Plot Nos. 10 and 13, City Survey Property Card Nos. 5575 and 7615 respectively.

2. We have heard the Petitioner in person and also considered his written notes of arguments. Infact, the matter was heard on 17.03.2026 but after starting dictation of the order, the Petitioner had sought accommodation to file written notes of arguments. It has been observed that this Court was not inclined to adjourn the matter on that count, yet a chance was given and then the written notes of arguments have been submitted. However, along with the same, he has now come up with a civil application which, he had not filed with the office but tendered without there being any signature and not in the format across the bar. Such incomplete application that too not in proper format cannot be accepted and allowed.

3. The Petitioner contends that he is the duly elected Chairman of Dhule Zilla Parishad Employees Cooperative Housing Society situated in Gat No. 69/1 and 69/4 at Deopur in Dhule. He contends that there are 73 members of the society who have been allotted 40 plots. The society came to be established in the year 1967 under the Maharashtra Cooperative Societies Act. The plots were allotted to its members in view of the resolution dated 12.12.1981. According to the Petitioner, one Sharad Ramchandra Sonawane @ Nana Koli (now deceased) came to be elected as the Chairman of the said society in

the year 2000. he had started allotting plots owned by the society in 2003 to his own relatives and friends unlawfully and without holding any meeting. A notice was issued on 08.08.2025 by the Dhule Zilla Parishad Employees Cooperative Housing Society Limited, Dhule (registration cancelled) to the Petitioner for removing the name of the Petitioner in respect of the respective plots which are in the names of late Raghunath Narayan Suryavanshi. According to the Petitioner, the registration of the said society has been cancelled under Sections 21 and 109 of the Maharashtra Cooperative Societies Act and then the Petitioner was appointed as Custodian of the society. The Petitioner had then sent letters on 01.04.1995, 09.04.1995 and 24.04.1995 to the said organisation for handing over charge. However, it has not been given till the date of the Petition. The said society went into liquidation from 29.04.2013. The petition is pending before this Court in respect of said liquidation. It is then stated that pending the liquidation proceeding, an order came to be passed on 06.03.2025 by the Deputy Registrar, Taluka Cooperative Societies, Dhule which was then challenged by the Petitioner before the Registrar Cooperative Societies, Nasik Division, Nasik, who had then confirmed the order. The Petitioner, therefore, filed proceeding before the State Minister (Cooperation) who had then again confirmed

the order. Therefore, the Petitioner has filed Writ Petition No. 7923/2017 and 1173/2017 before this Court. In spite of these petitions, it is stated that a notice came to be issued on 08.08.2025 by the society to handover change to one A. S. Ahire, who claims to be a Custodian of the society and therefore, the Petitioner has challenged the said notice.

4. The important point to be noted is that the Petitioner has tried to invoke the powers of this Court under Article 226 of the Constitution of India. However, he has made the Respondents as party by their names. Writ cannot be issued against a private party. Secondly, from the gist of the contentions, it appears that there are disputed questions of fact. The Petitioner is denying that Respondent No. 2 has been appointed as the Custodian. When the Petitioner is claiming that Dhule Zilla Parishad Employees Cooperative Housing Society to whom he is representing is a registered society, then the society should be the aggrieved person but the present petition has been filed in the capacity as Chairman. Thirdly, there is absolutely no resolution annexed by the Petitioner to state that he has been authorised by the society to file the petition. Furthermore, what he is challenging is the notice dated 08.08.2025 asking him to handover

the charge. At the most, it can be stated to be a legal notice which has been then answered by the Petitioner. There is no final order issued and therefore, there is no cause of action that can be said to have arose for the Petitioner to file the present petitions. Similarly, the mutation entries which are allegedly executed subsequent to the filing of the petitions, cannot be the subject matter before this Court as the forum available for getting the mutation entry cancelled is different.

5. In the result, there is absolutely no merit in the present petitions. Both the petitions stand dismissed.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb