

ITEM NO.43

COURT NO.17

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 10745/2015

(Arising out of impugned final judgment and order dated 11-11-2014 in WP No.8158/2014 passed by the High Court Of Judicature At Bombay)

SHRI BOHALI SEVA SAHAKARI SOCIETY LTD.
THROUGH ITS SECRETARY SHRI SUDHAKAR
VISHAMBHAR PHALKE

Petitioner(s)

VERSUS

NILESH NANA JADHAV CHIEF PROMOTER OF
PROPOSED SHRI SWAMI SAMARTHA VIVIDH KARYAKARI
SEVA SAHAKARI SO & ORS.

Respondent(s)

WITH

SLP(C) No. 10788/2015 (IX)

SLP(C) No. 10790/2015 (IX)

SLP(C) No. 10791/2015 (IX)

SLP(C) No. 10792/2015 (IX)

SLP(C) No. 10753/2015 (IX)

SLP(C) No. 10793/2015 (IX)

SLP(C) No. 12651/2015 (IX)

SLP(C) No. 12652/2015 (IX)

SLP(C) No. 12650/2015 (IX)

SLP(C) No. 10772/2015 (IX)

SLP(C) No. 10752/2015 (IX)

SLP(C) No. 10766/2015 (IX)

SLP(C) No. 10751/2015 (IX)

SLP(C) No. 10767/2015 (IX)

SLP(C) No. 10746/2015 (IX)

SLP(C) No. 10764/2015 (IX)

SLP(C) No. 10754/2015 (IX)

SLP(C) No. 10763/2015 (IX)

SLP(C) No. 10749/2015 (IX)

SLP(C) No. 10748/2015 (IX)

SLP(C) No. 10747/2015 (IX)

Date : 27-02-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel appearing for the petitioner(s).

By the impugned order of the learned Single Judge, the order passed by the concerned authorities of registering the petitioner society has been set aside. The finding of the High Court is that the Hon'ble Minister purported to exercise powers under Section 152 of the Maharashtra Cooperative Societies Act, 1960 without hearing the affected parties. It is only on the basis of the directions issued by the Hon'ble Minister, without hearing the affected parties that the Assistant Registrar passed the order in favour of the petitioner(s).

By the impugned order, the learned Single Judge of the High Court has set aside the order passed by the Hon'ble Minister. While directing the Assistant Registrar to consider the prayer for

registration, the learned Single Judge observed that the application will be decided after considering the Government Policy dated 07.02.2001.

The limited grievance of the learned counsel appearing for the petitioner(s) is that the Policy dated 07.02.2001 has been superseded by subsequent policies which are brought on record by the State Government by filing an application to produce on record additional documents. Relying upon the decision of this Court in the case of *M.P. Ram Mohan Raja vs. State of Tamil Nadu & Ors.*¹, he submits that now reliance cannot be placed on the Policy dated 07.02.2001 which is subsequently superseded.

We agree with the reasons recorded by the learned single Judge for coming to the conclusion that the exercise of power by the Hon'ble Minister was illegal.

If according to the case of the petitioner(s), the Government Policy dated 07.02.2001 is no longer in existence in view of subsequent policies, it is for the concerned registering authorities to go into the question of the effect of subsequent policies.

Subject to what is observed above, no interference is called for with the impugned order(s). The Special Leave Petitions are disposed of

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)