

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

WRIT PETITION NO. 1024 OF 2015

Ramrao Sitaram Patil ... Petitioner

Versus

The State of Maharashtra
& others ... Respondents

.....
Mr. P.M. Shah , Senior Advocate holding for
Mr. Girish S. Rane, Advocate for petitioner
Mr. V.G. Shelke, AGP for respondents / State
Mr. Amol S. Sawant, Advocate for respondent No. 4
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 11th MARCH, 2015

PER COURT :

1. On 09-02-2015, I had recorded the submissions of the petitioner as follows :-

1. Heard the learned Advocate for the petitioner.
2. Grievance is that Revision Application No. 292 of 2001 has been dismissed by the Hon'ble Minister by judgment dated 23-09-2014 without even issuing notices of hearing to the respondents and also without hearing the petitioner.
3. In the light of the categorical statement made by the petitioner, issue notice before admission to the respondents, returnable on 11-03-2015. Learned AGP waives service for respondent Nos. 1 to 3 and 5. Hamdast allowed for respondent No. 4.

4. Respondent No. 1 shall file its affidavit in light of the specific contentions of the petitioner in paragraph No. 7 of the petition.

2. The learned AGP has placed on record the affidavit in reply on behalf of respondent No. 1 which is filed by Mr. Sambhaji Shankar Patil, Assistant Registrar in the office of the District Deputy Registrar Cooperative Societies, Dhule. Paragraph No. 5 of the affidavit in reply reads as under:-

5. I say and submit that as per assurance given by the Government in Session/Assembly, the file was reconstructed and Revision Application 292/2001, was kept for hearing on 17-06-2014. For that purpose Notice was issued to the petitioner as well as respondents on 11-06-2014. However, on the date of hearing i.e. 17-06-2014 neither the petitioner nor respondent were present before the Hon'ble Minister (cooperation). Here to annexed and marked as **Exhibit R-1** is a true copy of notices dated 11-06-2014.

3. The learned AGP, therefore, strenuously submits that the petitioner must blame himself for not remaining present. The State had made a statement in the State Legislative Assembly that the proceedings would be concluded within three months. He points from paragraph No. 4 of the affidavit in reply that a statement made in response to a Legislative Assembly Question (LAQ), which reads as under :-

4. I say and submit that, Legislative Assembly Question (LAQ) regarding irregularity in Sahakari Upasa Sinchan Yojana of Tapi River, Dist. Dhule was came for

discussion in the Budget Session of 2012, Government has given assurance on floor of the Session/Assembly that, if enquiry of Dhule District Central Cooperative Bank Ltd., Dhule is still pending, then it will be completed within three months.

4. In the light of the above, learned AGP prays for the dismissal of the petition.

5. The petitioner submits that the notice dated 11-06-2014 now placed on record by the first respondent, was never served upon the petitioner. Shri Sawant, learned Advocate appearing on behalf of respondent No. 4-Bank submits that the said notice dated 11-06-2014 was served upon the respondent-Bank on 22-07-2014. As such, none of the parties were present before the Hon'ble Minister for Cooperation when the hearing took place on 17-06-2014 and 01-07-2014.

6. It is evident from the above that the notice dated 11-06-2014 and 21-06-2014, appear to have not reached the petitioner and the litigating parties. Since the State had answered the LAQ by making a statement that the proceedings would be concluded within three months, the Hon'ble Minister proceeded to deliver the impugned order by recording the absence of the litigating sides. All said and done, the impugned order is,

therefore, passed without hearing the petitioner and other litigating parties.

7. Learned AGP submits that the Maharashtra Legislative Assembly is in session and the same would continue for about four weeks.

8. In the light of the above, I am of the view that the litigating parties deserve an opportunity of hearing by imposing certain conditions upon them. As such, this petition is partly allowed. The impugned judgment of the Hon'ble Minister for Cooperation dated 23-09-2014 is quashed and set aside. The proceeding RVA-2001/PK 292/15S is relegated to the respondent No. 1 authority for a fresh hearing.

9. The petitioner and the litigating parties shall appear before the Hon'ble Minister on 10-04-2015 at 3.00 pm. Separate notice of hearing need not be issued to the parties, who shall abide by the dates of hearing as may be posted by Hon'ble Minister.

10. Keeping in view of the contention of the respondent No. 1 as regards statement made in the State Legislative Assembly set out in paragraph No. 4 of the affidavit, the litigating parties shall

not seek adjournments on unreasonable grounds and shall extend cooperation to the Hon'ble Minister for deciding the said proceedings as expeditiously as possible and preferably within a period of 12 weeks from 10-04-2015.

11. Needless to state, the Hon'ble Minister shall decide the said proceedings on merits and without being influenced by the earlier observations made in the impugned order.

(**RAVINDRA V. GHUGE, J.**)