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

WRIT PETITION NO.1831 OF 2015

Dr.Baburao Bapuji Tanpure Sahakari
Sakhar Karkhana Ltd..

..Petitioner

-Versus-

Shri Chandrakant Patil,
Hon'ble Minister for Cooperation and
others.

..Respondents

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Mr.Rahul R. Karpe, Advocate for the Petitioner.
Mr.K.M.Suryawanshi, AGP, for the Respondent Nos.1 to 6.
Mr.Nitin K. Chaudhari, Advocate for the Caveator.
Mr.S.S.Gangakhedkar, Advocate for the Intervener.
Mr.Nitin V. Gaware, Advocate for the Intervener.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th February, 2015

Per Court:

1 Not on daily Board. Mentioned. Taken on Production Board.

2 I have heard the learned Advocate appearing for the
Petitioner and the learned AGP appearing on behalf of the Respondents/
State. The controversy is as regards the order passed by the Honourable
Minister for Cooperation, Marketing and Textile, State of Maharashtra,
dated 21.01.2015 by which the Honourable Minister has stayed the order
dated 12.01.2015 passed under Section 78A of the Maharashtra

Cooperative Societies Act, 1960 by the Regional Joint Director (Sugar). The next date of hearing was given on 04.02.2015. It is stated that the Honourable Minister was not available on the said date and as such, the matter stood over to 25.02.2015.

3 The grievance of the Petitioner is that the ad-interim protection granted by the Honourable Minister on 21.01.2015 has been vacated without any hearing, which is scheduled on 25.02.2015. The Petitioner has, therefore, voiced a serious apprehension about the proceedings and the manner in which they are being conducted.

4 Mr.Suryawanshi, learned AGP appearing on behalf of the Respondents/State, submits that on 04.02.2015 since the Honourable Minister was not available, the matter was posted to 25.02.2015. The Regional Joint Director (Sugar) by the letter dated 10.02.2015 had inquired with the Honourable Minister as regards whether, the stay to the order dated 12.01.2015 still continues. A similar letter has been addressed by the Respondent No.5 to the Respondent No.2 dated 10.02.2015. The learned AGP, therefore, submits that since the order dated 21.01.2015 staying the order dated 12.01.2015 was not extended due to the absence of the Honourable Minister, the protection granted to the Petitioners does not continue.

5 I am unable to accept the submissions of the learned AGP. Apparently, on 21.01.2015 the Honourable Minister has applied his mind to the matter and was convinced that the impugned order dated 12.01.2015 passed by the Respondent No.2 herein deserves to be stayed. The operative part of the order indicates that the said order is stayed till the further hearing in the matter. Merely because the Authority was not available and no hearing took place on 04.02.2015 and the matter was posted to 25.02.2015, would not mean that the order passed by the Honourable Minister, after application of mind, stands automatically vacated.

6 In such circumstances, this Writ Petition does not deserve to be kept pending. The parties to Appeal No.2015/Pra.Kra.42/15-S need to address the mind of the Honourable Minister on the main proceedings.

7 In the light of the above, Mr.Karpe, learned counsel appearing for the Petitioners, submits that the Petitioners are withdrawing their allegations/ apprehensions voiced in the petition so as to facilitate a fair hearing before the Honourable Minister in the pending Appeal filed under Section 152 of the Maharashtra Cooperative Societies Act, 1960.

8 As such, this Writ Petition is disposed of. The ad-interim order granted by the Honourable Minister dated 21.01.2015 thereby staying the order dated 12.01.2015 passed by the Respondent No.2, shall continue to have it's application until further orders passed on merits of the matter by the Honourable Minister.

9 Since the matter is already posted on 25.02.2015, the litigating parties shall, therefore, remain present before the Honourable Minister and shall abide by the dates of hearing as may be given by the Honourable Minister.

10 Needless to state, this Court has not dealt with merits of the matter and as such, the Honourable Minister is at liberty to consider the Appeal before him on it's own merits and in accordance with law.

11 No order as to costs.

(RAVINDRA V. GHUGE, J.)