IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4350 OF 2011

Athurne Vividha Karyakari Seva Sahakari
Sanstha Maryadit ... Petitioner
Versus
Harshavardhan Patil & Ors. … Respondents

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Mr. S.S.Patwardhan , Advocate for the Petitioner.
Mr. Ajit J. Kenjale , Advocate for Respondent No.5.
Ms.M.S.Bane 'B' Panel Counsel for State.

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CORAM : R.M. BORDE, J.

DATE : 20TH SEPTEMBER, 2016

P.C. :

. Heard learned counsel appearing for the respective parties.

2 **Rule.**

3 With consent of the learned counsel appearing for the parties, the matter is taken up for final hearing forthwith.

4 The Petitioner is objecting to the order passed by the State Government on 9.4.2010 directing issuance of registration certificate in favour of the Respondent No.5-Society. The learned counsel appearing for the Petitioner states that the Petitioner-Society is functioning within the area of operation of the proposed society since many years and that it was

incumbent upon the revisional authority to extend opportunity of hearing to the Petitioner-Society before deciding the issue of grant of registration certificate in favour of the proposed society. On perusal of the order passed by the State Government, it does not appear that the Petitioner-Society has been extended opportunity of hearing before issuing the order. Since the order has been passed by the State Government in breach of the observance of the principles of natural justice, the same deserves to be set aside and the same is, accordingly, set aside. The learned counsel appearing for the Respondent No.5 states that the State Government has directed issuance of registration certificate in favour of the Petitioner-Society on 9.4.2010 and in pursuance of the said direction, the Respondent No.5-Society has already been issued registration certificate on 4.2.2011. After presentation of the petition, this Court directed parties to maintain status-quo in view of the order passed on 13.2.2012. The matter stands remitted back to the State Government for re-consideration. The State Government shall decide the revision application afresh after extending opportunity of hearing to all the parties concerned and in accordance with the provisions of law as early as possible and preferably within a period of four months from today.

5 Although the order impugned in the petition is dated 9.4.2010 passed by the State Government has been quashed and set aside.The situation prevailing as on the date of issuance of the order of status-quo shall be maintained until disposal of the revision application by the State Government.

6 It is ordered accordingly.

7 Rule is, accordingly, made absolute.

8 There shall be no order as to costs.

(R.M. BORDE, J.)