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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***CIVIL APPLICATION NO.3023 OF 2015  
IN  
WRIT PETITION NO.710 OF 2010***

|                                     |                |
|-------------------------------------|----------------|
| The State of Maharashtra and Ors.   | ...Applicants  |
| Versus                              |                |
| Sontakke Sanjay Vishwanath and Ors. | ...Respondents |

Mr.P.G.Sawant, AGP for the Applicants.

Mr.A.S.Rao, for the Respondent Nos.1 to 40.

***CORAM : V.M.KANADE, ACTING C.J &  
REVATI MOHITE DERE, J.***

***DATE : 20<sup>th</sup> JANUARY, 2016***

**P.C. :**

1. The respondents filed Writ Petition No.710 of 2010 challenging the enquiry which has been held under Section 88 of the Maharashtra Co-operative Societies Act, 1960 on various grounds. The Writ Petition came up for hearing before the learned Single Judge on 1<sup>st</sup> February, 2010. The learned Single Judge was pleased to grant Rule in the

said petition, however, no interim relief was granted. The learned Single Judge directed that the enquiry should proceed and if any charges are framed against the petitioners, reasonable opportunity may be given to the petitioners, in the enquiry.

2. Being aggrieved by the said order, the petitioners preferred Letters Patent Appeal No.70 of 2010. This Court was pleased to modify the order of the learned Single Judge and directed that after completion of the enquiry, leave of the Court should be taken and only thereafter final decision may be taken, as per the Enquiry Report.

3. The learned counsel appearing on behalf of the State has filed a Civil Application seeking leave of the Court to publish the Enquiry Report and take a final decision on the said Enquiry Report.

4. Shri Rao, learned counsel appearing on behalf of the original petitioners – respondents herein submitted that if a final decision is allowed to be taken the petitioners may be adversely affected.

5. In our view, there is no impediment in granting permission to the Applicant No.1 – State to publish the Enquiry Report. We therefore permit the State to publish the Enquiry Report and take a final decision as per the said Report.

6. It is however clarified that it will be open for the original petitioners to challenge the said Report before the appropriate forum, in accordance with law. The Applicant No.1 – State of Maharashtra however shall not take any adverse action on the basis of the Report which is published for a period of four weeks. No further extension shall be granted.

7. Civil Application is accordingly disposed of.

***REVATI MOHITE DERE, J.***

***ACTING CHIEF JUSTICE***