

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3959 OF 1999

Pralhad s/o Dattatraya Manusmare,
Age-55 years, Occu:Business (Photography),
R/o-M.I.D.C. Road, Latur,
Tq. & Dist-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Joint Registrar,
Co-operative Societies,
Division, Aurangabad,
- 2) The Assistant Registrar,
Co-operative Societies,
Latur,
- 3) The Peoples Co-operative Bank Ltd.,
Latur, Chandranagar, Latur,
Through it's Special
Recovery Officer.

...RESPONDENTS

...

None present for Petitioner.

Mr.D.R. Kale, A.G.P. for Respondent Nos.1 & 2.

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CORAM: S.S. SHINDE, J.

DATE : 11TH MAY 2017

ORAL JUDGMENT :

1. It appears that this matter was filed through Advocate G.N. Patil. However, Advocate G.N. Patil has withdrawn his appearance on 27th July, 2015, and to that effect order is passed by the Registrar(Judicial) on 27th July, 2015. Thereafter the Petitioner has not made any arrangement either to appear in person or to engage any Advocate. To that effect there is endorsement on 10th December, 2015, in the order-sheet.

2. Learned A.G.P. appearing for the State submits that during the pendency of this Petition there was no stay. He invites my attention to the order passed by the Divisional Joint Registrar, Co-operative Societies, Aurangabad and submits

that by the said order the recovery certificate issued under Section 101 of the Co-operative Societies Act by Respondent No.2 against the Petitioner was cancelled, and the order of Respondent No.2 – Assistant Registrar, Co-operative Societies, Latur was set aside and matter was remitted back to Respondent No.2 for fresh hearing/ adjudication. The said order was passed by the Divisional Joint Registrar, Co-operative Societies, Aurangabad on 31st December, 1993.

3. In that view of the matter, since there was no stay, by any stretch of imagination it cannot be expected that the proceedings which were remitted back for fresh adjudication are yet pending. In that view of the matter and for the reason that the view taken by the Divisional Joint Registrar, Co-operative Societies, Aurangabad appears to be reasonable, it is not necessary to keep this Writ Petition pending any further.

4. Hence the Writ Petition stands disposed
of. Rule stands discharged.

[S.S. SHINDE, J.]

asb/MAY17