

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

WRIT PETITION NO. 4643 OF 2016

Abdul Khaleq Painter s/o Mohamad Musa
age 65 years, occ. Business
R/o Balbhim Chouk, Khandak,
Beed, Tq. & Dist. Beed.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary
Co-operative and Textile Department
Maharashtra State,
Mantralaya, Mumbai
2. The Commissioner for Co-operation
Pune.
3. The Divisional joint Registrar,
Co-operative Societies,
Latur.
4. The District Deputy Registrar
Co-operative Societies, Beed.
5. The Authorized Officer / Special Auditor Class – I
Co-operative Societies, Beed.
6. The Manager,
Heena Shahin Urban Co-operative Bank Ltd.
Beed.

.. RESPONDENTS

Mr. A.R. Tapse, advocate holding for Mr. P.D. Suryawanshi, advocate for petitioner.

Ms. R.P. Gour, AGP for the State.

Mr. M.P. Gude, advocate for respondent no. 6.

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CORAM : S. B. SHUKRE, J.

DATE : 31st JANUARY, 2017.

ORAL JUDGMENT :

1. Heard.

2. Rule. Rule made returnable forthwith.
3. Heard finally by consent of learned counsel for the respective parties.
4. By the impugned order, respondent no. 5 Enquiry Officer / Liquidator of the bank has refused to allow the application of petitioner for examining the data in the hard disk maintained by the bank on the ground that such an enquiry i.e. examination of data in the hard disk does not fall within the powers conferred upon him as an Enquiry Officer.
5. The reason so given by respondent no. 5 however, is not supported at all by the authority given to him by the District Deputy Registrar. Order dated 29.10.2013 passed by the District Deputy Registrar appointing respondent no. 6 as Enquiry Officer clearly indicates that he has been granted all the powers necessary for making effective enquiry into the matter. These powers would certainly include making of enquiry in respect of hard disk maintained by the bank including examination and assessment of the data contained in the hard disk. It is, however, different matter, if for the reasons to be recorded in writing, respondent no. 5 reaches conclusion that such an enquiry is not necessary. But, in the present case, application seeking examination of the data contained in the hard disk has been rejected not on the ground that it is not necessary for making effective enquiry in the matter but, on the ground that such an enquiry is not contemplated by respondent no. 5 Enquiry Officer, under order dated 29th

October, 2013. The impugned order, therefore, is perverse and cannot stand in the eye of law.

6. In the result, writ petition is allowed with cost. The impugned order is quashed and set aside. The matter is remitted back to the Enquiry Officer for consideration afresh of the application dated 2nd March, 2016, in accordance with law. Rule made absolute in above terms.

(S. B. SHUKRE)
JUDGE

dyb