

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.494 OF 2017

Ramchandra Gangaram Redkar ... Petitioner  
Vs.  
The Divisional Joint Registrar, Co-operative  
Societies and others ... Respondents

Mr. Sanjiv A. Sawant for Petitioner.  
Mr. Manish Upadhye, AGP for Respondents No.1 and 5-State.  
Mr. Abhijeet Desai for Respondent No.2.

**CORAM : R. G. KETKAR, J.**  
**DATE : JUNE 28, 2017**

**P.C. :**

Heard Mr. Sawant, learned Counsel for petitioner, Mr. Upadhye, learned AGP for respondents No.1 and 5-State and Mr. Desai, learned Counsel for respondent No.2 at length.

2. Mr. Sawant orally applies for deleting respondents No.3 and 4 on the ground that respondent No.2 is the only contesting respondent. In view thereof, leave to delete respondents No.3 and 4 is granted. Amendment shall be carried out forthwith.

3. By this Petition under Article 226 of the Constitution of India, petitioner has challenged the judgment and order dated 17.01.2017 passed by the Hon'ble State Minister for Co-operation in Revision Application No.701 of 2014. By that order, the Hon'ble Minister rejected the Revision Application preferred by the petitioner herein.

4. Rule. Learned Counsel for respective respondents waive service. Having regard to the narrow controversy raised in this Petition and at the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

5. In support of this Petition, Mr. Sawant raised several contentions. It is not necessary to deal with various contentions advanced by the parties. Suffice it to note that one of the contentions advanced by the petitioners is that the matter was heard at length by the Hon'ble Minister Shri Dadasaheb Bhuse on 16.04.2015 and the impugned order is passed on 17.01.2017 by Hon'ble Minister Shri Gulabrao Patil. Mr. Upadhye has invited my attention to the affidavit dated 09.06.2017 made by Ramesh Shankarrao Shingte, Under Secretary, Co-operation, Marketing and Textile Department, Government of Maharashtra, and in particular paragraph 3 thereof. He further states that Mr. Vinod Melekar, Assistant Section Officer, Co-operation Department is present in the Court. He submits that factually, the matter was heard by the then Hon'ble Minister Shri Dadasaheb Bhuse and the impugned order is passed by the Hon'ble Minister Shri Gulabrao Patil. In other words, Hon'ble Minister Shri Gulabrao Patil did not hear the parties. He, therefore, submitted that the impugned order may be set aside.

6. In view thereof, only on the ground that the Hon'ble Minister, who passed the impugned order, did not hear the parties, the impugned order deserves to be set aside and is accordingly set aside. Revision Application No.701 of 2014 is restored to the file of the Government and the same shall be disposed in accordance with law within three months from the production of the authenticated copy of this order. All contentions of the parties, on merits, are expressly kept open. During the pendency of the Revision Application and two weeks thereafter in case the order is adverse to the interest of the petitioner, the protection granted by the order dated 27.02.2015 in Writ Petition No.272 of 2015 shall remain in force. Rule is made absolute accordingly with no order as to costs.

**(R. G. KETKAR, J.)**