

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 934 OF 2017

Sunanda Rameshrao Dudhate

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. Santosh S. Jadhavar, Advocate for the Petitioner.

Mr. A. V. Deshmukh, A.G.P. for Respondent Nos. 1 to 4.

CORAM: S. V. GANGAPURWALA, J.

DATE: 16th August, 2018

PER COURT :

1. Mr. Jadhavar, learned counsel for the petitioner submits that the petitioner had filed Revision before the State Government against the order initiating proceedings under Section 88 of the Maharashtra Co-operative Societies Act, 1960. The learned counsel submits that initially the interim order was passed in favour of the petitioner. Thereafter no date of hearing was given, and directly the order came to passed. The order was passed only because the Government had given assurance on the floor of the house that the stay would be vacated in all such cases. The

learned counsel submits that as the impugned order is passed without hearing to the petitioner the same be set aside.

2. The learned Assistant Government Pleader submits that the date of hearing was fixed on 28.01.2015, and thereafter on 15.04.2015 the petitioner was absent. The District Deputy Registrar was present and the order came to be passed. The Revision was filed at the premature stage.

3. I have considered the submissions canvassed by the learned counsel for the respective parties.

4. The petitioner has come with the specific averments that the petitioner was never communicated with the date of hearing. The affidavit is filed by the State. In the affidavit there is nothing on record to even remotely suggest that the petitioner was notified the date of hearing, and thereafter the petitioner remained absent. In absence of the date of hearing being

notified to the petitioner the proceedings could not be proceeded further.

5. In light of the fact that the petitioner was never issued with the notice of hearing, the impugned order is quashed and set aside.

6. The petitioner shall appear before the Revisional Authority on 04.09.2018. In view of the fact that the petitioner has been directed to appear on 04.09.2018, now it will not be necessary for the respondent to issue notice to the petitioner. The Revisional Authority shall after hearing the petitioner decide the Revision afresh, on its own merits and expeditiously.

7. The interim order passed by this Court on 28.02.2017 shall continue till the disposal of the Revision.

8. Writ Petition accordingly allowed. No costs.

[S. V. GANGAPURWALA, J.]

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