

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1519 OF 1997

Manjara Shetkari Sahakari
Sakhar Karkhana Limited,
Vilasnagar, Chincholirao (Wadi),
Taluka and District Latur,
Through it's Managing Director

-- PETITIONER

VERSUS

1. The State of Maharashtra
2. The State Minister for Co-operation,
Co-operation and Textile Department,
Maharashtra State, Mantralaya,
Mumbai - 400 032
3. The Regional Joint Director
of Sugar, Nanded,
Dist. Nanded.
4. Nagnath Rama Yerne,
Major, Occu-Agriculturist,
R/o Harangul, Taluka
and District Latur.
5. Anil Ramchandra Utage,
Major, Occu-Agriculturist,
R/o Harangul, Taluka
and District Latur.
6. Mahadeo Krishna Borade,
Major, Occu-Agriculturist,
R/o Katgaon, Taluka
and District Latur.
7. Pradeep Pandurang Sot,
Major, Occu-Agriculturist,

- R/o Sambhajinagar, Latur,
District Latur.
8. Pandurang Namdeo Sot,
Major, Occu-Agriculturist,
R/o Sambhajinagar, Latur,
Dist.Latur,
 9. Chandrakala Shivaji Thakur,
Major, Occu-Agriculturist and
Household, R/o Katgaon,
Taluka and Dist. Latur
 10. Balasaheb Gyanba Shinde,
Major, Occu-Agriculturist,
R/o Katgaon, Taluka
and Dist. Latur,
 11. Bhima Vasantrao Borade,
Major, Occu-Agriculturist,
R/o Katgaon, Taluka and
Dist. Latur,
 12. Manmath Mallikarjunappa Yerate,
Major, Occu-Agriculturist,
R/o Basweshwar Automobiles,
Shivaji Chowk, Latur,
 13. Chandrakant Chandrashekhar Yerate,
Major, Occu-Agriculturist,
R/o Basweshwar Automobiles,
Shivaji Chowk, Latur,
 14. Sitaram Eknath Thakur,
Major, Occu-Agriculturist,
R/o Katgaon, Taluka
and Dist. Latur,
 15. Shrihari Bhaurao Jadhav,
Major, Occu-Agriculturist,
r/o Latur, Tal. and Dist.
Latur
- RESPONDENTS

Mr.A.V.Hon, Advocate for the petitioner.
Mr.V.S.Deshmukh h/f Mr.A.B.Kale, Advocate for respondent Nos.4 to 15.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 20/06/2018

ORAL JUDGMENT :

1. The petitioner/factory has challenged the order of the Hon'ble Minister Co-operation dated 19/02/1997 by which the Revision Application No.235/1992 filed by the factory, challenging the order of the Regional Joint Director, Sugar, Nanded permitting 13 persons to be inducted as members, has been rejected.

2. On 07/03/1998, the petitioner and the respondents were heard at length. A detailed order has been passed by this Court and interim relief is specifically refused by concluding that there is no merit in this petition. The relief granted earlier was continued only for 15 days. LPA was dismissed. The petitioner approached the Hon'ble Apex Court in an SLP. By order dated 19/11/1999, the Hon'ble Apex Court did not agree with the order of this Court dated 07/03/1998 and the dismissal of the LPA by the Appeal Bench. It was observed in the order that if the revision filed by the petitioner was disposed of without hearing the petitioner, the matter needs to be remanded.

There is no dispute that during the pendency of this petition, 3 persons out of the 13 at issue, have been inducted as members. None of the learned Advocates for the respective sides are able to make a statement as to whether any further development has taken place in the last 20 years of the pendency of this petition.

3. It is apparent that this petitioner was not heard when the Hon'ble Minister passed an order on 19/02/1997.

4. As such, this petition is partly allowed. The impugned order dated 19/02/1997 is quashed and set aside and Revision Application No.235/1992 is restored to the file of the Hon'ble State Minister for Co-operation. Needless to state, this order would not create a right in the petitioner to remove those 3 persons or any more amongst the 13 applicants, who have been inducted as members during the pendency of this petition.

5. It is expected that respondent No.2 / Hon'ble Minister would issue notices to all the litigating sides giving them at least 3 weeks to appear before it and then decide the said revision on its own merits after hearing all the sides.

6. Rule is made partly absolute in the above terms.

(Ravindra V.Ghuge, J.)