

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

WRIT PETITION NO.12669 OF 2017

LAXMAN DAMODHAR AMRUTKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Advocate for Petitioner : Mr P M Nagargoje
AGP for Respondents 1-3 : Mr A V Deshmukh
Advocate for Respondent No.4 : Mr V D Hon Sr Counsel
i/b Hon Ashwin V.
Respondent Nos. 5 to 7 served-absent.

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CORAM : V.K. JADHAV, J.
Dated: January 12, 2018

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PER COURT :-

1. It appears from the prayers made in the writ petition that, the petitioner has mainly challenged the order dated 8.9.2017 passed by the Respondent no.1 for taking possession of the petitioner's property and subsequent letter/notice issued by the Taluka District Deputy Registrar, Jalgaon dated 13.10.2017. In consequence of the aforesaid challenge, the petitioner has also challenged the order dated 30.6.2007 issued by Taluka District Deputy Registrar, Dhule i.e. respondent no.4 passed under 101 of the Maharashtra Cooperative Societies Act, 1960.

2. It appears that after a long gap of near about ten years, as a consequence of the challenge to the impugned orders dated 8.9.2017, the petitioner has challenged the order dated 30.6.2007 passed by the Tq. District Deputy Registrar, Dhule i.e. respondent no.4.

3. Learned Senior Counsel appearing for respondent no.4 on instructions submits that, the petitioner may be given an opportunity of hearing before respondent no.1 and respondent no.4 has no objection for the same.

4. In view of the above, this writ petition is disposed of with the following directions. Hence, following order :-

O R D E R

1. Writ Petition is hereby partly allowed.
2. The order dated 8.9.2017 passed by respondent no.1 for taking possession of the petitioner's property and subsequent letter/notice issued by the Taluka District Deputy Registrar, Jalgaon dated 13.10.2017 are hereby quashed and set aside.

3. Respondent No.1 shall given an opportunity of being heard to the petitioner and pass appropriate orders.
4. Parties shall appear before respondent No.1 on 5.2.2018.
5. So far as prayer clause 'C' of this writ petition is concerned, the petitioner may challenge the said order as impugned by way of prayer clause 'C' before the appropriate forum if so desired.
6. In view of disposal of writ petition itself, pending Civil application also stand disposed of.

(V.K. JADHAV, J.)

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