

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10978 OF 2018

Uma Maheshwar Sahakari Pani Purawatha Sanstha .Petitioner
Maryadit

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. S. S. Patwardhan i/b. Mr. B. R. Mahadik, Advocate, for the
Petitioner

Mr. Y. D. Patil, AGP, for the Respondent Nos. 1 to 3 – State

Mr. Sanjay Maruti Kshirsagar, Board of Director, Uma
Maheshwar Sahakari Pani Purawatha Sanstha present

CORAM : REVATI MOHITE DERE, J.

DATE : 03.10.2018

P.C.

. Heard learned counsel for the parties.

2. At the outset, learned AGP raises a preliminary objection. He submits that the Application filed by the Petitioner before the Hon'ble Minister, was one under Section 154 of the Maharashtra Co-operative Societies Act and that there is no reference to Section 157 of the Maharashtra Co-operative Societies Act, in the Application, requiring the Hon'ble Minister to

deal with the said section. He, therefore, submits that in the absence of any specific prayer in the said Revision Application, the Hon'ble Minister was not required to deal with section 157 of the Maharashtra Co-operative Societies Act, as is now sought to be argued before this Court. Learned AGP states that it is always open for the Petitioner to file an appropriate Application specifically under Section 157 of the Maharashtra Co-operative Societies Act before the Hon'ble Minister and that if such Application is filed, the Hon'ble Minister can decide the same on its own merits in accordance with law uninfluenced by the order dated 06.03.2018.

3. In view of the aforesaid, learned counsel for the Petitioner on instructions from Sanjay Kshirsagar, Board of Director seeks leave to withdraw this Petition with liberty to file an appropriate Application under Section 157 of the Maharashtra Co-operative Societies Act, before the Hon'ble Minister.

4. Perused the order dated 06.03.2018. It appears that the said Application was filed under Section 154 of the

Maharashtra Co-operative Societies Act and no ground was raised vis-a-vis Section 157 of the Maharashtra Co-operative Societies Act, and hence, the Hon'ble Minister has not recorded any finding on Section 157 of the Maharashtra Co-operative Societies Act.

5. Considering the aforesaid, the Petition is disposed off as withdrawn with liberty as prayed. If an Application is filed by the Petitioner under Section 157 of the Maharashtra Co-operative Societies Act before the Hon'ble Minister, the Hon'ble Minister shall decide the same on its own merits in accordance with law uninfluenced by the order dated 06.03.2018. All contentions with respect to Section 157 of the Maharashtra Co-operative Societies Act are kept open.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)