

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 7551 OF 2015****Yeshwant Sahakari Bhadekaru Malki****Griha Nirman Sanstha, Panchgani,****..... Petitioner****VERSUS****Kisan Manaji Umbarkar & Ors.****..... Respondents**

Mr.Surel Shah, a/w. Ms.Gauri Shah for the Petitioner.

Mr.Sanjeev Kadam, for the Respondent nos. 1 to 6.

Ms.K.N.Solunke, A.G.P. for the State - Respondent no.7.

CORAM : R.D. DHANUKA, J.**DATE : 27th JUNE, 2018****P.C.**

Rule. Ms.Solunke, learned A.G.P. waives service for the respondent no.7. Mr.Sanjeev Kadam, learned counsel waives service for the respondent nos. 1 to 6.

2. By consent of parties, writ petition is heard finally.

3. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th May, 2015 passed by the learned Minister for Co-operation allowing the Revision Application No.RVA-2015/Praka-438/15sa.

4. The impugned order has been challenged on various grounds including on the ground that inspite of the order passed by this court by

earlier order dated 7th April, 2014 to grant hearing to the petitioner, the revisionary authority has not given any hearing to the petitioner. No notice of hearing was given to the petitioner. The petitioner has raised this contention in the writ petition filed in the year 2015. None of the respondents have filed any affidavit in reply controverting this allegation in the petition.

5. In my view the impugned order passed by the learned Minister for Co-operation is thus passed in violation of the principles of natural justice and is accordingly set aside.

6. Appeal bearing Revision Application No.RVA-2015/Praka-438/15sa is restored to file before the learned Minister for Co-operation and Textile for hearing and final disposal in accordance with law and on its own merits.

7. The petitioner is directed to remain present before the Learned Minister for Co-operation and Textile on 27th August,2018 at 03.00 p.m. without fail.

8. The contesting respondents are also directed to appear before the Learned Minister for Co-operation and Textile on the appointed day.

9. If the said date is not convenient to the Learned Minister for Co-operation and Textile, an earliest convenient date shall be communicated to the parties by the Learned Minister for Co-operation and Textile.

10. Learned Minister for Co-operation and Textile shall decide the matter afresh and in accordance with law and without being influenced by the observations made and the conclusion drawn in the impugned order.

11. None of the parties shall seek any unnecessary adjournment.

12. The petitioner would be at liberty to file reply in the said appeal filed by the respondent nos. 1 to 6 within four weeks from today and a copy thereof shall be served upon the learned advocate appearing for the respondent nos. 1 to 6 simultaneously.

13. Learned Minister for Co-operation and Textile shall dispose of the said appeal within four months from the date of its first meeting.

14. All the contentions of all the parties on merits are kept open.

15. Rule is made absolute in the aforesaid terms. No order as to costs.

16. The parties as well as the Learned Minister for Co-operation and Textile to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]