

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 11184 OF 2018

Suresh Anna Shinde .Petitioner
Vs.
The Divisional Joint Registrar, Co-operative .Respondents
Societies, Kolhapur & ors.

WITH
WRIT PETITION (ST) NO. 11198 OF 2018

Shivajirao Vishwasrao Phadatare .Petitioner
Vs.
The Divisional Joint Registrar, Co-operative .Respondents
Societies, Kolhapur & ors.

WITH
WRIT PETITION (ST) NO. 11199 OF 2018

Haribhau Anna Shinde .Petitioner
Vs.
The Divisional Joint Registrar, Co-operative .Respondents
Societies, Kolhapur & ors.

Mr. D. H. Pawar, Advocate, for the Petitioners in all matters
Mr. S. D. Rayarikar, AGP, for the Respondent - State
Mr. D. D. Rananaware, Advocate, for the Respondent No. 4 in
W. P. (ST) Nos. 11184 & 11199 of 2018
Mr. R. More, Advocate, for the Respondent No. 4 in **W. P. (ST)**
No. 11198 of 2018

CORAM : REVATI MOHITE DERE, J.

DATE : 18.09.2018

P.C.

. Heard learned counsel for the parties.

2. Rule. Rule is made, returnable forthwith with the consent of the parties and is taken up for final disposal at the stage of admission.

3. The principal grievance of the Petitioner in each of the aforesaid Petition is that the Respondent No. 4 in each of the Petition had not arraigned the Petitioner as a Respondent in the proceeding before the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, despite the fact, that it was on an Application preferred by the Petitioner that the Respondent No. 4 in each of the Petition was disqualified by the Assistant Registrar, Kolhapur.

4. Learned AGP was asked to take instructions with regard to aforesaid grievance. Learned AGP makes a statement that the Respondent No. 4 in each of the Petitions had not impleaded the Petitioner in each of the aforesaid Petition before the Divisional Joint Registrar, though it was on the Petitioner's Application, that the Respondent No. 4 in each of the Petition, came to be disqualified.

5. Perused the papers. It appears that the aforesaid Petitioner in each of the aforesaid Petition had filed an Application before the Assistant Registrar seeking disqualification of the Respondent No. 4's membership. The Assistant Registrar, Kolhapur allowed the said Application filed by the aforesaid Petitioner, pursuant to which, the Respondent No. 4 in each of the Petitions came to be disqualified. Being aggrieved by their disqualification, the Respondent No. 4 in each of the aforesaid Petition filed a Revision Application, being Revision Application Nos. 199, 200 & 201 of 2017 before the Divisional Joint Registrar. Admittedly, the Petitioner in the above Petitions was not impleaded as party Respondent by the Respondent No. 4 and as such, they were not heard. The learned Divisional Joint Registrar passed the impugned order in breach of the principles of natural justice, inasmuch as, without hearing the Petitioner in each of the Petitions.

6. Considering the aforesaid, without going into the merits of the case, the impugned Orders dated 22.01.2018 passed

by the learned Divisional Joint Registrar, Kolhapur Division, Kolhapur in Revision Application Nos. 199 to 201 of 2017 are required to be quashed & set aside, on this ground alone.

Accordingly, the matters are remanded back to the Divisional Joint Registrar for fresh consideration. All the aforesaid Revision Applications, being Revision Application Nos. 199 to 201 of 2017 are restored back to its original file. The Respondent No. 4 in each of the Petitions to implead the Petitioner as party Respondent in their respective Revision Application filed by them before the Divisional Joint Registrar. Thereafter, the learned Divisional Joint Registrar shall hear the parties and pass appropriate orders on the said Revision Applications. All contentions of both the parties are kept open. It is made clear, that this Court has not gone into the merits of the case. All parties to appear before the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur on 03.10.2018 at 11.00 a. m. after which the learned Divisional Joint Registrar will give dates convenient to him. The learned Divisional Joint Registrar is requested to dispose off the Revision Applications as expeditiously

as possible and preferably before 15.12.2018. Learned counsel for the Respondent No. 4, in each of the Petition requests that the Order dated 31.05.2017 passed by the Assistant Registrar, Co-operative Society, Vaduj, Taluka – Khatav be stayed till 03.10.2018, so as to enable the Respondent No. 4 to file an appropriate Application before the Divisional Joint Registrar for stay of the order dated 31.05.2017. Accordingly, the order dated 31.05.2017 shall not be given effect to till 03.10.2018. It is made clear, that this Court has not considered the order dated 31.05.2017 on merits and hence, the Divisional Joint Registrar shall consider the request for stay after hearing both the sides and on its own merits uninfluenced by the order of stay granted by this Court till 03.10.2018.

7. Rule is made absolute in the aforesaid terms and accordingly, the Petitions are disposed off.

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

(REVATI MOHITE DERE, J.)