

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

**CIVIL APPLICATION NO.4748 OF 2019
WITH
REVIEW APPLICATION STAMP NO.11053 OF 2019**

**HATMAG VEENKAR SAHAKARI SANSTHA LTD., DEGLOOR
THROUGH ITS PRESIDENT, VENKOBA GOVINDRAO TEKALE**

VERSUS

HANMANT NAGANATH GADDAPWAR AND OTHERS

...

Advocate for Applicant/Petitioner : Mr. Satyajit
S.Bora

A.G.P. for Respondents No.12 to 17 - State :
Smt.Vaishali N.Patil-Jadhav

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**CORAM : PRASANNA B.VARALE &
S.M. GAVHANE, JJ.**

DATE : 05.04.2019

PER COURT :

1. Heard Mr.Bora, learned Counsel for the applicant. For the reasons stated in the application, the application is allowed. Delay is condoned.

2. The application seeking review is taken-up for hearing, disposal by consent of the parties.

3. Learned Counsel Mr.Bora appears for the and learned A.G.P. appears for the respondents-State authorities. By consent of the learned counsel

appearing for the petitioner and the learned A.G.P. appearing for the respondents-State authorities. It was an attempt of Mr.Bora in his submissions that the order firstly causes some prejudice to the review petitioner and secondly, when the order was passed by this Court, certain facts were not brought to the notice of this Court. Thus, the ground is tried to be canvassed before this Court of suppression of facts. It may not be necessary for us to state that in view of the judicial pronouncements of the Hon'ble the Apex Court as well as of this Court, the scope of review is limited. This Court cannot re-appreciate the facts or the merits of a matter afresh in a review petition. The Writ Petition No.1012 of 2019 is disposed of by us at the admission stage, considering the backdrop of the facts that representations are made to the authorities. The authorities were approached with a grievance of certain alleged complaints of misdeeds in the society. In our order dated 23.01.2019, we found that the respondent-authorities were prompt enough to pay attention to the applications or

representations received by them. The Hon'ble Minister by taking the cognizance directed authorities of the Co-operation Department to take immediate steps. Then finding that the Hon'ble Minister is awaiting response, we further deem it fit to dispose of the petition with a direction to respondent No.12 Addl. Registrar and respondent No.17 Asst.Registrar to submit their respective response/report to the Divisional Joint Registrar within a stipulated period and then further we direct that those such reports be sent to the Secretary, Co-operation and Textile Department to appraise the Hon'ble Minister about the facts situation and the Hon'ble Minister to take the further steps within a stipulated period. We also permitted the petitioner to avail the remedy by approaching the law enforcing agency, if any act in the opinion of the petitioner is within the compass and scope of registration of crime under the Indian Penal Code. Now Mr.Bora, the learned counsel appearing for the review petitioner submitted that the fact of an inquiry report submitted to authority is not brought to the notice of this

Court and this is a suppression of facts. When, we directed the authorities to submit their response and further directed the Hon'ble Minister to take appropriate steps on appraisal of respondent No.1 i.e. the Secretary, we cannot draw a conclusion that these authorities, including Co-operation and Textile Department would turn a blind eye to a report, if it is ready and within the knowledge of these authorities. The order passed by us also is not preventing the authorities to appraise the Minister, including the fact that if a report is already ready in the matter and the Hon'ble Minister is permitted to take further action. Thus, the report itself cannot be a rider for the action to be taken by these authorities in compliance of our order. As such, we see no reason to accept the submission of learned counsel that there is a ground made out for review of the order.

4. The second ground submitted by Mr.Bora is the original petitioner are lodging the reports by approaching the law enforcing agency using the order of this Court as a material. As such, the order requires to be reviewed and action be

initiated against the petitioner. Now even this ground in our opinion is not sufficient enough to exercise our powers to review the order passed by us. Even assuming the submission of Mr.Bora, the learned Counsel, if the reports/complaints are lodged to the Police Station, a mere lodgement or complaint will not leave the petitioner remedy-less and the petitioner can certainly avail the appropriate remedies to meet the situation of lodgement of report, including approaching a Forum, including a Judicial Forum for protecting the liberty of the petitioner or quashment of the report. Considering all these grounds, we are of the opinion that the review application is meritless and deserves to be rejected. Accordingly, it is rejected.

(S.M. GAVHANE, J.)

(PRASANNA B.VARALE, J.)

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