

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

WRIT PETITION NO.8005 OF 2019

**SUJIT CHANDRAKANT KADAM AND ANOTHER
VERSUS
ANIKET ALIAS GOVIND BABASAHEB KADAM AND OTHERS**

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Advocate for the Petitioners : Shri V. D. Salunke
Advocate for Respondent No.1 : Shri A. N. Irpatgire
AGP for Respondent Nos. 61 and 62 : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 04th JULY, 2019.

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PER COURT :

1. This matter was heard for quite some time on 02/07/2019 and was adjourned to enable the learned Advocate for respondent No.1 to take instructions.

2. The learned Advocate for respondent No. 1 submits that the impugned order could be set aside and the proceedings could be remitted to the Divisional Joint Registrar, Cooperative Societies, Latur for a re-hearing and for passing an order on the merits of the contentions of the parties.

3. The learned Advocate for the petitioners submits that

this Court has already passed an order on 23/10/2018 in Writ Petition No. 11337/2018. By the said order, the concerned authorities are directed to consider the application filed under Section 11 of the Maharashtra Cooperative Societies Act, 1960 and decide the contentions of the litigating sides on their own merits. Pursuant to the said order, the Assistant Registrar, Cooperative Societies Taluka Tuljapur has delivered an order on 28/02/2019 and the Divisional Joint Registrar, Cooperative Societies, Latur has held that the Assistant Registrar could not have exercised powers under Section 11.

4. The learned Advocate for the first respondent submits that though he has filed a caveat on behalf of only one respondent, they all are identically placed and were together in the common appeal preferred before the Divisional Joint Registrar, Cooperative Societies, Latur. The learned Advocate for the petitioners submits that respondent No.1 can be considered to be in his representative capacity as all these respondents are identically placed and were appellants together in a single appeal before respondent No.62.

5. In view of the above, the Writ Petition is allowed. The impugned order dated 27/05/2019 passed by the Divisional Joint Registrar Cooperative Society is quashed and set aside. Appeal No. 33/2019 is remitted to the office of respondent No. 62.

6. The petitioners and respondent No.1 shall appear before the said authority on 25/07/2019 at 12.00 noon. The learned AGP would convey to respondent No. 62 to issue notices to respondent Nos. 2 to 61 in this petition, who are the original appellants and proceed to decide the said appeal by considering the contentions of all the litigating sides and by keeping in view the directions issued by this Court vide order dated 23/10/2018.

7. Respondent No. 62 would decide the said proceedings on or before 15/10/2019.

(RAVINDRA V. GHUGE, J.)

shp/-