

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13664 OF 2018
WITH
WRIT PETITION NO.13666 OF 2018
WITH
WRIT PETITION NO.13677 OF 2018

PRAKASH MADHAV ELHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri Shermale K. N.
AGP for Respondents 1 & 2 : Shri Munde S.W.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: January 24, 2019

...

PER COURT :-

1. In all these petitions, this Court (Coram : N.M.Jamdar, J.) had passed the following order on 10.12.2018.

"1. The petitioners, by these petitions, have challenged the orders passed by the Divisional Joint Registrar, Co-operative Societies, Nashik, allowing the appeals filed by the respondents primarily on the ground that there is no effective and meaningful consultation with the federal society.

2. The learned counsel for the petitioners has drawn my attention to the reference in the order passed by the Divisional Joint Registrar to a communication dated 25 September 2017 wherein the Registrar is stated to have been called upon to federal society to give its opinion.

3. *The learned A.G.P. seeks time to produce this communication on record. At his request, stand over to 17 January 2019."*

2. In so far as the contesting respondent No.4 is concerned, the petitioner has placed a service affidavit on record along with a copy of the print out obtained from the official website of the Post and Telecommunications Department, Government of India to indicate that the contesting respondent has been served by Speed Post A.D. on the date and the time mentioned in the copy of the print out.

3. The learned AGP has placed on record three documents, dated 11.9.2017, 22.9.2017 and 15.3.2018, which are collectively marked as Exhibit "X" for identification. It is submitted that there was a consultation by the Registrar with the Federal Society. Unfortunately, this aspect could not be pointed out to the Divisional Joint Registrar, when he delivered the impugned orders. Learned counsel for the petitioner submits that the view taken by this Court in the matter of Arjun Panditrao Khotkar Vs. State of Maharashtra and others [2002 (2) All M.R. 306], was cited.

4. Considering the above, these petitions are allowed. The impugned orders are quashed and set aside and the respective Appeals bearing Nos. A-55 to A-59 of 2018 are remitted to the office of the

Divisional Registrar, Cooperative Societies, Nasik Division, Nasik.

5. Since the petitioner is before this Court and the contesting respondents have not appeared, the petitioner shall cause his appearance before respondent No.1 on 11.2.2019. Respondent No.1 is at liberty to issue notices to the original appellants, if they fail to appear on 11.2.2019. It is expected that respondent No.1 would now consider the entire record threadbare and the view taken by this Court in the case of Arjun (supra), while deciding all the appeals on their own merits.

It is expected that the first respondent would decide the proceedings within three months from the date of appearance of all the contesting parties.

(RAVINDRA V. GHUGE, J.)

...

akl/d