

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (W) NO.2369/2019 IN WRIT PETITION NO.3274/2019(d)

Waghmay Mahila Machchimar Sahakari Sanstha Maryadit. Vs. The Commissioner of Fisheries and
Additional Registrar of Cooperative Societies(Fisheries) and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R.L.Khapre, Advocate with Shri S.U.Nemade, Advocate for petitioner/applicant.
Shri A.V.Palshikar, Assistant Government Pleader for respondent nos. 1 to 3.
Shri M.V.Samarth, Advocate for respondent no.4.

CORAM : A.S.CHANDURKAR, J.
DATED : September 27, 2019

Perused the civil application, affidavits filed on record and
heard the learned counsel for the parties.

According to the learned counsel for the petitioner the documents that were relied upon by the respondent no.7 in the writ petition in the proceedings seeking cancellation of registration had not been supplied to the original petitioner thus causing prejudice to the petitioner. Though this contention was raised in the writ petition, there is no finding recorded that such documents were actually supplied to the petitioner. It is also submitted that the aspect with regard to area of operation of the petitioner Society and its distance from the tank in question was also urged while arguing the writ petition.

Affidavit has been filed by the original respondent no.7 in the writ petition opposing said contentions. It is reiterated that all documents were supplied to the petitioner-Society in the proceedings before the respondent no.1.

In the judgment dated 02.08.2019 it has been observed in paragraph 15 that all documents relied upon by the respondent no.4 in the writ petition were part of the record and were annexed to the application

preferred by the Society-petitioner.

With a view to verify the position, learned Assistant Government Pleader was called upon to produce original records of the proceedings. On its perusal, it is seen that in the scrutiny form prepared while registering the appeal, at serial no.12 it has been stated that copies of appeal memos along with all relevant document had been supplied for the purposes of service on the respondents. Since the scrutiny form maintained by the respondent no.1 in accordance with the provisions of the Maharashtra Cooperative Societies Act, 1960 records supply of copies of all documents along with appeal memos for service on the respondents, I do not find any reason to doubt the contents of the scrutiny form.

Thus by observing that the judgment dated 02.08.2019 has been passed after considering the submissions as raised and referred to in the application, the civil application is disposed of.

Interim protection granted earlier shall continue to operate for a period of four weeks and it shall cease to operate thereafter automatically.

JUDGE

Andurkar.