

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2017 OF 2020

Sau Vasundhara Nardeoji Gude

...Petitioner

Versus

The Hon'ble Registrar (Judicial),
High Court of Judicature of Bombay
Bench at Aurangabad

...Respondent

Mr V.D. Salunke, Advocate holding for
Mr M.V. Salunke, Advocate for Petitioner
Mr Umakant Patil, Advocate for respondent No. 1

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30TH JANUARY, 2020

PER COURT :

1. The petitioner assails an administrative order of the learned Administrative Judge of this Bench dated 03.12.2019, thereby, clubbing Writ Petition No. 1814 of 2008, pending before the learned Single Judge of this Court with Criminal Writ Petition No. 1714 of 2019 pending before the Division Bench.

2. Mr Salunke, the learned Counsel for the petitioner submits that the petitioner is not party in Criminal Writ Petition No. 1714 of 2019. Writ Petition No. 1814 of 2008 filed by the present petitioner is pending before the learned Single Judge for final disposal. The said writ petition is admitted and rule is

granted in the year 2008. The learned Counsel further submits that the matter that are to be dealt by learned Single Judge ought not to have been clubbed with the matter to be decided by the Division Bench. More particularly, a matter to be dealt with by the learned Single Judge of the Civil Side with that of the criminal matter before the Division Bench dealing with the criminal matters. The same is not permissible as per the Appellate Side Rules. The learned Counsel relies on the judgment of the Apex Court in the case of ***Monnet Ispat and Energy Limited Vs. Jan Chetna & Others reported in 2013 (10) SCC 574.*** The learned Counsel further submits that before passing the administrative order, the notice was not given to the petitioner. If the notice would have been issued to the petitioner, the petitioner could have brought all the facts to the notice of the learned Administrative Judge. The learned Counsel submits that on that count also, the orders are to be set aside.

3. Mr Patil, the learned Counsel appears for the respondent No. 1 and submits that the Division Bench had directed the Registrar (Judicial) to place the matter before the learned Seniormost Judge for clubbing and assigning both the matters to one Court. As per the circular dated 29th July, 2019, the learned Administrative Judge has passed the order.

4. We have considered the submissions. Criminal Writ Petition No. 1714 of 2019 is pending before the Division Bench of

this Court taking up criminal writ petitions. The criminal writ petition was instituted seeking direction to initiate an inquiry against the Board of Directors, Manager and other persons, responsible for the debacle of Priyadarshini Mahila sahakari Bank Ltd. including respondent No. 3 and take necessary action including criminal prosecution. Writ petition bearing No. 1814 of 2008 pending before the learned Single Judge of this Court was filed by the present petitioner against the order dismissing revision by the Hon'ble Minister against the order under section 88 of the Maharashtra Co-operative Societies Act.

5. In Criminal Writ Petition No. 1714 of 2019, the Division Bench on 28.11.2019 passed the following order :-

The submissions made show that the report in which the Director Board is held guilty and in which a direction is given to recover the amount from the Directors is under challenge and at present the matter is pending before the learned Single Judge of this Court in Writ Petition No. 1814 of 2008. The submissions also show that interim relief is given in that proceeding which is of the nature "Pending the admission of letters patent appeal, we direct the respondents not to take any coercive action of recovery against the appellants". This matter was pending before the Division Bench as L.P.A. but the Division Bench remanded the matter before the Single Judge so the aforesaid order is continued before the Single Judge. Regarding the present matter, the

petitioner is seeking relief of giving direction to take action on criminal side against the Directors.

2. In view of the nature of grievance and allegations it is desirable that both the matters are considered by the same Court. The Registrar (Judicial) to place the matters before the Senior Most Judge of this Court for clubbing and assigning both the matters to one Court. At present list the present matter on 13.12.2029.

6. It appears that the petitioner herein is not party to the Criminal Writ Petition No. 1714 of 2019.

7. In view of the order passed by the Division Bench taking up Criminal Writ Petition No. 1714 of 2019, the Registrar (Judicial) placed the matter before the learned Administrative Judge of this Bench for clubbing and tagging of matters.

8. while one co-ordinate Bench would not go into the reasons given by the other co-ordinate Bench, the petitioner had options open to (i) Represent before the Division Bench taking up Criminal Writ Petition No. 1714 of 2019 and or (ii) To approach the learned Administrative Judge of this Bench and bring to his notice all the aspects.

9. It is expedient that the petitioner approaches the learned Administrative Judge with a proper praecipe for appreciation and appropriate order.

10. With the aforesaid observations, we dispose of the writ petition. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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