

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

Writ Petition No. 1989 of 2020

Vivek Bhaiyaji Deshmukh & Anr. Vs. Divisional Joint Registrar and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.P. Bhandarkar, Advocate for the petitioners
Ms. M.A. Barabde, AGP for respondents No.1 to 3.
Mr. S.N. Bhattad, Advocate for respondent No.5.

CORAM : MANISH PITALE, J.

DATED : DECEMBER 09, 2020

Heard learned counsel for rival parties.

2. The petitioners are before this Court challenging an order dated 14/02/2020, passed by the respondent No.1 – Divisional Joint Registrar of Co-operative Societies at Amravati, whereby a show cause notice issued to respondent No.5, the then Director of respondent No.4 – Co-operative Bank, stood withdrawn and the proceedings were closed.

3. The show cause notice was issued to the respondent No.5 on the basis of certain complaints made against him for alleged misdemeanors. A report was called from the District Deputy Registrar of Co-operative Societies, which according to the petitioners amply proved the allegations made against respondent No.5. The contentions raised on behalf of respondent

No.5 were taken note of by the respondent No.1 in the impugned order and a reference was made to the contentions raised on behalf of the petitioners also, whereupon the impugned order was passed.

4. A perusal of the impugned order would show that the respondent No.1 only recorded the contentions raised by the rival parties and there was no discussion regarding the same, as a result of which there is absence of reasoning in the impugned order, as to why the show cause notice issued against the respondent No.5, stood withdrawn. In fact, this is the precise reason recorded in the order dated 09/07/2020, passed by this Court while issuing notice in the present Writ Petition.

5. The learned AGP appearing for the respondents No.1 to 3, has informed this Court that in the meanwhile, there is an Administrator appointed on the respondent No.4 – Co-operative Bank. Be that as it may, this Court has perused that the manner in which the impugned order was passed by respondent No.5 withdrawing show cause notice issued earlier against respondent No.5. This Court is not satisfied with the manner in which the impugned order has been passed. The respondent No.1 ought to have given specific reasons as to why it was thought fit that the show cause notice issued against respondent No.5 deserved to be withdrawn.

6. Hence, this Writ Petition deserves to be allowed partly.

7. Accordingly, it is partly allowed. The impugned order passed by respondent No.1 is quashed and set aside and matter is remanded to respondent No.1 for fresh consideration and decision. The respondent No.1 is directed to take into consideration the contentions that may be advanced by the rival parties as also the material available on record in respect of allegations levelled against the respondent No.5, in the show cause notice dated 03/01/2019. The respondent No.1 is expected to pass a detailed reasoned order in the matter.

8. All contentions of the parties are left open.

9. Considering the nature of controversy, the respondent No.1 is expected to expeditiously dispose of the matter and preferably within a period of six weeks from today.

10. The parties to appear before the respondent No. 1 on **18/12/2020**.

11. The Writ Petition is disposed of.

JUDGE