

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.4903 OF 2020

UMRI SAHAKARI GINNING AND PRESSING SOCIETY LTD UMRI
THROUGH ITS MANAGER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.B. Ghatol Patil, Advocate for the petitioner.
Mr.S.B. Pulkundwar, AGP for respondent/State.
Mr.Anand Patil, Advocate for respondent No.7.

CORAM : N.J.JAMADAR, J.
DATE : 31.03.2021

PC :-

01. Heard learned Counsel for the petitioner and learned AGP for respondent Nos.1 to 6.

02. The challenge in this petition is to an order dated 3rd March, 2020, passed by the Minister (Co-operation) - respondent No.3, whereby the respondent No.3 sought a report, post-enquiry by the Principal Secretary (Co-operation), and in the meanwhile stayed the process for sale of the land of the petitioner society.

03. By an order dated 21st October, 2020, this Court had refused to grant interim relief as the Court was of the view that the Minister was to finally decide the issue.

04. The learned Counsel for the petitioner submits that the Minister (Co-operation) has passed the final order in the Appeal No.12 of 2021, preferred by respondent No.7 and others, on 15.03.2021 and the said appeal came to be partly allowed. Copy of order dated 15.03.2021 is tendered for perusal of the Court. The learned Counsel for the petitioner seeks time to amend the petition, so as to challenge the final order in Appeal No.21 of 2021, passed by respondent No.3, on 15th March, 2021.

05. Ordinarily, this Court would have acceded to the prayer for accommodation to seek amendment to the petition. However, substance of the challenge in the petition cannot be lost sight of. The petitioner

asserted that the Minister had no jurisdiction and authority to grant stay to the process of sale of the property, which the petitioner had lawfully resorted to in conformity with the provisions of Section 36 of the Maharashtra Co-operative Societies Act, 1960. The principal challenge was thus to the manner in which the Minister granted stay to the process of disposal of the property by the petitioner.

06. Indisputably, by the order dated 15th March, 2021, respondent No.3-Minister has passed a final order and the appeal came to be partly allowed. The grounds of challenge to the final order would obviously be distinct. Nothing prevents the petitioner from assailing the legality, propriety and correctness of the final order passed in Appeal No.12 of 2021, if the petitioner is aggrieved thereby.

07. Having regard to the limited nature of the grievance in the instant petition, it does not seem

expedient to allow the petitioner to expand the scope of this petition and covert it into a substantive petition assailing the final order. It would be appropriate to thus dispose of the petition with liberty to the petitioner to assail legality, propriety and correctness of the final order passed in Appeal No. 12 of 2021 dated 15.03.2021, if so advised.

08. The petition thus stands disposed of with the aforesaid liberty.

09. It is hereby made clear that this Court has not entered into merits of the petition and all contentions of all the parties are kept open for consideration.

[N.J.JAMADAR,J.]