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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 114 OF 2021
(WRIT PETITION ST.NO. 94032 OF 2020)**

SHREE SIDDHANATH NAGARI PATSANTHA ..PETITIONER

VS.

THE HON'BLE MINISTER FOR COOPERATION
& ORS. ..RESPONDENTS

**WITH
WRIT PETITION ST.NO. 93495 OF 2020**

SHAHAJI BHIKOBADADAS & ORS. ..PETITIONERS

VS.

THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS

Mr. Laxman Deshmukh for petitioners in WPST/93495/2020.

Mr. Vijay Patil i/b. Siddharth Karpe for petitioner in WP/114/2021.

Mr. P.N. Joshi for respondent nos. 2 to 7 in WPST/93495/2020.

Mr. Milind Deshmukh for respondent No.4.

Mrs. V.S. Nimbalkar, AGP for State.

CORAM : M.S.KARNIK, J.

DATE : FEBRUARY 4, 2021

P.C.:-

Heard learned counsel for the petitioners.

2. It is the contention of Shri Patil, learned counsel appearing on behalf of the petitioners that the Hon'ble Minister (Co-operative & Marketing) has passed the impugned order dated 28th February 2020 without hearing the petitioner. The petitioner was party respondent No.1 before the Hon'ble Minister.

3. Learned counsel for the respondent Nos. 2 to 7 submits that the petitioner in his capacity as the Manager has no locus to file the present Petition and challenge the impugned order. According to Shri Joshi, the petitioner in his capacity as the Manager has been removed. Shri Joshi further submits that it was the responsibility of the Manager to have called the Annual General Body Meeting in terms of the bye laws which the Manager failed to do.

4. Learned counsel Shri Patil appearing on behalf of the Manager says that it is the Managing Committee who has defaulted and the Manager has been exonerated by the Deputy Registrar Co-operative Societies.

5. In the connected Writ Petition No. 93495/2020 which has been filed by Shahaji Bhikoba Dadas and others, it is the contention of the petitioners that they are also Managing Committee members and they have been exonerated by the Joint Registrar. However, he submits that caveat was filed before the Hon'ble Minister and without hearing the petitioners the impugned order came to be passed.

6. Considering that the petitioner in Writ Petition St.No. 94032 of 2020 was party before the Hon'ble Minister, it is incumbent that the petitioner ought to have been heard before the impugned order was passed.

7. In these circumstances, the impugned order is quashed and set aside. All contentions including the contention as to whether Shri Ranjit Pol is presently a Manager or not is kept open.

8. The matter is remitted back to the Hon'ble Minister to decide the revision on its own merits and in accordance with law as expeditiously as possible, in any event within a period of three months from today.

9. It is informed that during the pendency of the revision before the Hon'ble Minister, there was a stay to the disqualification of the respondent Nos. 2 to 7 in Writ Petition St. No. 94032 of 2020 operating. If that is so, interim order obviously will be continued during the pendency of the revision and subject to final orders that may be passed by the Hon'ble Minister.

10. The Writ Petitions are disposed of.

(M.S.KARNIK, J.)