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

WRIT PETITION NO.2264 OF 2021

LAXMAN CHANDRU KADAM	..PETITIONER
VS.	
AKHIL MAHARASHTRA MATHADI WORKERS CO-OP.HSG.SOC. & ORS.	..RESPONDENTS

**WITH
INTERIM APPLICATION NO.1287 OF 2021
IN
WRIT PETITION NO.2264 OF 2021**

AKHIL MAHARASHTRA MATHADI WORKERS CO-OP.HSG.SOC. & ORS.	..APPLICANTS
VS.	
LAXMAN CHANDRU KADAM	..RESPONDENT

Mr. N.M. Sangle for the petitioner.

Mr. Dipan Merchant, Senior Advocate a/w. Dhawal Giri, Saakshat Relekar i/b. Sampatrao Pawar for the respondent No.1 and for applicant in IA/1287/21.

Mr. P.P. Pujari, AGP for the respondent Nos. 3 to 6.

CORAM : M.S.KARNIK, J.

DATE : SEPTEMBER 1, 2021

P.C.

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner contends that there have been irregularities in the matter of construction of the residential buildings meant for the benefit of the Mathadi workers. Pursuant to an application made by the petitioner under the provisions of Section 78A of the Maharashtra Co-operative Societies Act, 1960

(hereinafter referred to as 'the said Act' for short), the Divisional Joint Registrar superseded the Managing Committee of the respondent No.1 - society. The said order of supersession was challenged before the Hon'ble Minister by way of a revision under Section 154 of the said Act. The revision came to be allowed.

3. My attention is invited to the roznamas dated 17/2/2020, 20/10/2020 and 3/11/2020. The roznama dated 17/2/2020 records the presence of the parties and that the matter has been adjourned. It further records that the date of hearing will be informed later. The roznama dated 20/10/2020 records that both the revisional applicant and the respondents are absent and the next date given is 27/10/2020. Though the roznama records that the next date of the hearing is 27/10/2020, the matter was in fact listed on 3/11/2020. The roznama of 3/11/2020 records the presence on behalf of the petitioner (original the respondent No.3).

4. There is no appearance shown on behalf of the respondent No.1 - original revisional applicant. The roznama records that the matter was closed for orders on 3/11/2020.

5. It is thus seen that at no point of time, the respondent No.1 - original revisional applicant was heard in the revision before the Hon'ble Minister. The petitioner who is the respondent No.3 in the revision was very much present even on 3/11/2020. The absence of the respondent No.1 - the original revisional applicant was noted

and the matter was closed for orders.

6. The impugned order dated 29/12/2020 records that the parties are heard on 17/2/2020, 20/10/2020 and 3/11/2020 and even the appearance of the parties and their Advocates are shown on these dates. Surprisingly, though there was no appearance on behalf of the respondent No.3 (revisional applicant) on 3/11/2020 as per the roznama, the impugned order has recorded the submissions made on behalf of the revisional applicant.

7. Learned counsel for the petitioner submits that even the petitioner was not heard on 3/11/2020, as the revisional applicant himself was absent the hearing did not proceed on merits. I find substance in the contention of learned counsel for the petitioner.

8. Learned Senior Advocate Shri Merchant tried to defend the impugned order on merits. However, after going through the roznamas, the impugned order and from the pleadings in the Petition, I find that the petitioner nor the respondent No.3 was heard in the matter, though the order records the submissions made. The impugned order therefore deserves to be quashed and set aside. Hence the following order.

ORDER

I. The impugned order is quashed and set aside.

II. The matter is remitted to the Hon'ble Minister to take a fresh decision on the revision on its own merits after hearing all concerned.

III. Till the decision in the revision, the Managing Committee is permitted to operate the Bank Accounts and conduct the day-to-day affairs but they shall not take any major policy decision.

IV. The revision be decided expeditiously and preferably within a period of four (4) months from today.

V. All contentions are kept open.

9. The Writ Petition is disposed of.

10. In view of the disposal of the Writ Petition, nothing survives for consideration in Interim Application. The same is disposed of.

(M.S.KARNIK, J.)

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signed by
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DINESH
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