

Bhogale

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

**WRIT PETITION ST. NO. 94694 OF 2020
WITH
INTERIM APPLICATION ST. NO. 610 OF 2021
IN
WRIT PETITION ST. NO. 94694 OF 2020**

Sai Malhar Hamal & Mapadi Kamgar
Co. Society & ors. .. Petitioners
VS.
The State of Maharashtra & ors. ..Respondents

Mr. Sanjay Shinde for the Petitioners.
Mr. Siddarth Karpe for Respondent No.4.
Mr. Ketan Joshi for the Intervenor.
Mrs. M.S. Bane, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : JANUARY 14, 2021

P.C.:-

Heard learned counsel for the Petitioners.

2. The impugned order challenged in this Petition is an order passed by the Hon'ble Minister (Co-operation) which is at page 31 of the Petition. It is the principle contention of the learned counsel for the Petitioner that the Appeal filed by the Respondent No.4 before the Hon'ble Minister was heard without any notice to the Petitioners who were party Respondent Nos.2 to 4 to the Appeal pending before the Hon'ble Minister. From the impugned order it is seen that though an opportunity was given to the Petitioner to appear in the Appeal but they did not appear.

3. Learned counsel for the Respondent No.4 fairly submits that he has no objection if the Petitioners are heard and the matter is decided afresh by the Hon'ble Minister.

4. Learned counsel for the Petitioners submits that it is because of the Covid pandemic that they could not be represented and says that the Petitioners would be now diligent in contesting the matter before the Hon'ble Minister. Considering the fair stand taken by the learned counsel for Respondent No.4 and in the interest of justice with a view to give opportunity to the Petitioners to contest the Appeal, the impugned order is set aside. The Appeal is remitted back to the Hon'ble Minister for hearing the same afresh on its own merits and in accordance with law. The Petitioners as well as Respondent No.4 to appear before the Hon'ble Minister on 28.01.2021 at 2.30 p.m. when the Hon'ble Minister can fix the further schedule of hearing. The Hon'ble Minister is requested to decide the Appeal expeditiously and preferably within a period of 8 weeks from 28.01.2021. The parties undertake to co-operate with the Hon'ble Minister in the expeditious disposal of the Appeal and will not seek any unnecessary adjournment. The Writ Petition is disposed of.

5. The Interim Application is disposed of in view of the disposal of the Writ Petition.

6. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(M.S.KARNIK, J.)