

PMB

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

WRIT PETITION NO.4163 OF 2021

Proposed Shivparvati Sahakari Dudh Vyayasayak Sanstha Maryadit Bhadgaon	.. Petitioner
vs.	
Minister for Dairy Development and ors.	.. Respondents

Mr. Ruturaj P. Pawar for the Petitioner.
Mr. Prashant Bhavake for the Respondent.
Mr. A.P. Vanarase, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 13, 2021

P.C.

Heard learned counsel for the parties.

2. It is the contention of learned counsel for the Petitioner that the pre-registration of permission for collecting the milk was granted by the Respondent No.3-Divisional Deputy Registrar Co-operative Societies (Dairy) Pune Division, Pune and on that basis from February 2020 till 13.07.2021 the Petitioner-Society was collecting the milk. The Respondent No.5 was aggrieved by grant of registration. Ultimately the Joint Registrar Co-operative Societies (Dairy) by order dated 13.07.2021 allowed the Appeal filed by the Respondent No.5 and cancelled the permission dated 28.02.2020 and letter dated 30.07.2020. As a result of this the Petitioner had to stop collecting the milk from 14.07.2021.

3. The Petitioner has filed the Revision before the Hon'ble Minister. Along with the Revision, Application for stay is filed on 02.08.2021. The application for stay is yet to be heard. Learned counsel for the Respondent No.5 and learned AGP opposed the Petition. It is submitted that on 02.08.2021 the Revision is filed before the Hon'ble Minister by the Petitioner and immediately the present Writ Petition is filed. In his submission the order dated 13.07.2021 passed by the Joint Registrar has been executed and as the pre-registration permission for collecting milk is already cancelled, at the highest the Hon'ble Minister could be requested to decide the application for stay expeditiously but no interim relief be granted.

4. In my opinion, as on the basis of the pre-registration permission which was granted on 28.02.2020, the Petitioner had already started collecting milk from February 2020 till 13.07.2021, it would be in the interest of justice and as the Revision has been preferred, the Petitioner is allowed to continue collecting the milk on the basis of the pre-registration permission till the application for stay is decided. In these circumstances, the Hon'ble Minister is requested to decide the application for stay expeditiously. The parties to appear before the Hon'ble Minister on 18.08.2021 at 3.00 p.m. along with the copy of this order. The application for stay is requested to be decided expeditiously and preferably within a period of four weeks from 18.08.2021. Till the time the application for stay is decided, the order dated 13.07.2021 passed by the Joint

Registrar shall remain stayed and the pre-registration permission would continue to operate. I am inclined to pass this order as the Petitioner had succeeded before District Deputy Registrar and was collecting the milk from February 2020 till 13.07.2021. It would therefore be in the interest of justice if the collection is allowed to continue till a decision on the stay application.

5. It is made clear that the Hon'ble Minister to decide the application for stay on its own merits and without being influenced by any of the observations made by me in this order which are made for the limited purpose of deciding this Petition.

6. All contentions are kept open.

7. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

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signed by
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MAKARAND
BHOGALE
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