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

WRIT PETITION NO. 4651 OF 2021

Gurumukh Niwas Sahakari Gruharachana
Sanstha Maryadit

... Petitioner.

Vs

State of Maharashtra & Ors.

...Respondents

Mr. V.H.Narvekar for the Petitioner.

Mr. A.P.Vanarase, AGP for the Respondent/State

CORAM : M. S. KARNIK, J.

DATE : 25th AUGUST, 2021

P.C. :

An order under Section 13(3) of the Deputy Registrar, Co-operative Societies is under challenge. The society had applied for amendment to the bye-laws of the society. It is the contention of the learned counsel for the petitioner that order under 13(3) of the Act rejecting the amendment to the bye-laws has been passed without hearing the petitioner, and therefore, the impugned order is in breach of the principles of natural justice. To support the said contention, the principle of natural justice is required to be followed, learned counsel for the petitioner relied upon the decision in the case of **The Goa Urban Co-operative Bank Ltd. Vs. The Registrar of**

Co-operative Societies [1994 C.T.J. 121].

2 The learned AGP submitted that for the reasons mentioned in the impugned order, the petition deserves to be dismissed.

3. Having gone through the impugned order, I find that the same is passed without hearing the petitioner. The impugned order, therefore, deserves to be quashed and set aside. It is accordingly, quashed and set aside. The matter is remanded to the Deputy Registrar of Co-operative Societies for hearing the petitioner and passing a fresh order. The petitioner to appear before the Deputy Registrar, Co-operative Societies, on 3rd September, 2021 when the Deputy Registrar will fix the schedule. The Writ Petition is disposed of accordingly. No order as to costs. All contentions of parties are expressly kept open.

(M. S. KARNIK, J.)