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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4746 OF 2022

Sandip Jayram Gare & Ors. ...Petitioners

Versus

The State of Maharashtra through the Secretary ...Respondents
Co-operation & Textile Department Maharashtra
State, Mantralaya, Mumbai & Ors.

Mr. Nitin Gaware Patil a/w N. G. Rokade, for the Petitioners.
Mr. S. S. Panchpor, AGP, for the Respondent-State.
Mr. V. S. Takde, for the Respondent No.7.

CORAM Revati Mohite Dere &
Madhav J. Jamdar, JJ.
DATED: 19th April 2022

PC:-

1. Not on board. Taken on board.
2. Heard learned counsel for the parties.
3. By this petition, the petitioners seek the following reliefs;

“(B) Issue a writ of mandamus, or any other appropriate writ, order or directions in the nature of writ of mandamus, directing the respondent No. 2 Hon'ble State Minister for Co-operation & Marketing Department, Maharashtra State to decide the Stay Application dated 18.04.2022 filed by the petitioners

(Exhibit "E") thereby seeking stay to the order dated 18.03.2021 (22.03.2021) passed by the respondent No. 6 Authorized Inquiry Officer within stipulated time framed and for that purpose issue necessary orders;

(C) Issue appropriate writ, order or directions thereby granting stay to the operation, execution and/or implementation order dated 18.03.2021 (22.03.2021) passed by the respondent No. 6 Authorized Inquiry Officer and for that purpose issue necessary orders.

(D) Pending hearing and final disposal of this Writ Petition, grant stay to the operation, execution and/or implementation order dated 18.03.2021 (22.03.2021) passed by the respondent No. 6 Authorized Inquiry Officer and for that purpose issue necessary orders.

(E) +Grant ad interim relief in terms of prayer clause 'D'."

4. Learned counsel for the petitioners submits that the petitioners' Stay Application filed in the Revision Application, preferred against the order dated 4th April 2022 passed by the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik in Appeal No.A-52 of 2021 and the order dated 22nd March 2021 passed by the Authorized Inquiry Officer, Co-operative Officer Grade-II, Co-operative Societies, Niphad, District-Nashik has not been decided by the respondent No.2-Hon'ble Minister, Co-operation & Textile Department, Maharashtra State till date. He submits that there was an order operating in favour of the petitioners till 4th April 2022 i.e. date of the dismissal of the petitioners' Appeal by the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik. He submits that the said

impugned order dated 4th April 2022 was received by the petitioners on 14th April 2022 and thereafter, the petitioners immediately filed a Revision Application before the Hon'ble Minister for Co-operation & Textile Department, Maharashtra State, alongwith an application seeking stay to the orders dated 4th April 2022 and 22nd March 2022. Learned counsel for the petitioners submits that since the Hon'ble Minister is not available till 20th April 2022, the petitioners are constrained to approach this Court by the aforesaid petition.

5. Learned counsel for the petitioners submits that if stay is not granted to the impugned order dated 18th March 2021, the petitioners' nomination will be rejected at the stage of scrutiny of the election forms. He therefore submits, that the impugned order dated 18th March 2021 be stayed till the Hon'ble Minister considers the petitioners' Revision Application/Stay Application.

6. Mr. Panchpor, learned AGP opposes the petition.

7. Without going into the merits of the petition, since the petitioners' Revision Application/Stay Application are pending before the Hon'ble Minister and since there was a stay operating in favour of the petitioners till 4th April 2022 and having regard to what is stated aforesaid, we deem it appropriate to stay the impugned order dated 22nd March 2021 passed by the respondent No.6-Authorized Inquiry Officer, till such time, the petitioners' application for stay is decided by the Hon'ble Minister.

8. We request the Hon'ble Minister to decide the Stay Application as expeditiously as possible and in any event within six weeks from the date of receipt of the order.

9. It is made clear that we have not gone into the merits of the petition and as such all contentions of the parties are kept open.

10. The petition is disposed of in the aforesaid terms.

11. All concerned to act on an an authenticated copy of this order.

(Madhav J. Jamdar, J.)

(Revati Mohite Dere, J.)