

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 5086 OF 2022**

Pravinrao Rameshappa Kashikar and others      -- Petitioners

Vs.

The State of Maharashtra and others      -- Respondents

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Ms. Isha Singh, Advocate h/f Mr. M.V. Samarth, Senior Advocate  
for Petitioners

Mr. N.R. Patil, AGP for Respondent Nos. 1 to 5

Mr. J.B. Kasat, Advocate for Respondent No.6

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 10<sup>th</sup> OCTOBER, 2022**

Heard Ms. Isha Singh, learned counsel h/f Mr. M.V. Samarth, learned Senior Counsel, Mr. N.R. Patil, learned Assistant Government Pleader for State and Mr. Kasat, learned Counsel for respondent No.6.

2. On 22/08/2022, after hearing the learned Sr. Counsel for the petitioner, the following order was passed :

“Heard Mr. Samarth, learned Senior Counsel for the petitioners.

2. The only ground raised is that the order dated 18.04.2022 was passed by the Hon’ble Minister, whereby the application for stay was allowed during the pendency of the revision under Section 154 of the Maharashtra Cooperative Societies, Act, by the Hon’ble Minister of Cooperation and Marketing (page 195). The revision is still pending, however by an order dated 17.08.2022, the Secretary Cooperation has vacated the order dated 18.04.2022 passed by the Hon’ble Minister (page 219). It is

contended, that the said order is wholly without jurisdiction, as Secretary does not have the power of revision under Section 164 of the Maharashtra Cooperative Societies, Act.

3. Issue notice to the respondents for final disposal of the matter at the stage of admission itself, returnable on 06.09.2022.

4. Mr. Patil, learned AGP waives service of notice for the respondent Nos. 1 to 5/State.

5. Petitioners to serve the respondent No.6 by all modes permissible in law.

6. Till the returnable date, there shall be an interim stay to the impugned order.”

3. It is not in dispute that the order dt. 17/08/2022 was passed by the Secretary, Co-operation, who had no jurisdiction to vacate the order dt. 18/4/2022, passed by the Hon'ble Minister, considering which the order dt. 17/8/2022, is hereby quashed and set aside and the matter is remitted back to the respondent No.2 for deciding the revision according to law.

3. The parties shall appear before respondent no.2 on 17/10/22 at 11.00 AM.

4. The petition is accordingly allowed in above terms. No costs.

**(AVINASH G. GHAROTE, J.)**