

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 3324 OF 2018
WITH CA/8849/2021 IN WP/3324/2018**

Suresh Nathmalji Lunkad and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. Abasaheb D. Shinde, Advocate for the Petitioners.
Mr. S. G. Sangale, AGP for Respondent Nos. 1 and 2.
Mr. K. B. Jadhavar, Advocate for Respondent No. 4.
Mr. V. D. Salunke, Advocate for Respondent No. 5.

CORAM : KISHORE C. SANT, J.

DATED : 06th JUNE, 2023.

P. C. :-

. Heard learned advocates for the parties.

2. The petition is filed by the petitioner Nos. 1 to 9 who are members of the society who was originally respondent No. 4 and now who is transposed as petitioner No. 10 by leave granted by this Court in Civil Application No. 13342 of 2021. The main grievance in the petition is that the impugned order dated 07.12.2017 is passed by the Hon'ble State Minister (Co-operation) wherein he has set aside the order passed by the Divisional Joint Registrar, Nashik and the Enquiry Officer i.e. respondent No. 3 dated 23.03.2007 and 21.08.2007

respectively and directed fresh enquiry under Section 88. The grievance of the petitioners initially was that while passing the impugned order though the society i.e. petitioner No. 10 was a party, no notice was issued and no opportunity was given to the society.

3. Learned advocate Mr. V. D. Salunke for respondent No. 5 opposes the petition stating that the petitioner Nos. 1 to 9 have no locus to challenge the order as they were not party before any of the authorities and thus they are not concerned with the order passed by the Hon'ble Minister.

4. The learned A.G.P produced the original record from the Minister. It is seen that though the society was a party to the proceeding before the Hon'ble Minister, no notice was given to the society.

5. This Court finds that, only to the extent of petitioner No. 10 the petition can be entertained as no notice was given to it in respect of proceeding before the Hon'ble Minister. This Court finds that, interest of justice will be served by setting aside the order dated 07.12.2017 passed by the Hon'ble Minister with a request to pass afresh order by giving hearing to the society i.e. petitioner No. 10.

6. The proceeding i.e. Appeal No. 883/2015 (revision) stands restored to its original status.

7. It is expected to dispose off the said appeal/revision within a period of eight (08) weeks from today. Since the society is now present before this Court, no fresh notice is required to be given in the proceeding before the Hon'ble Minister. The office of the Hon'ble Minister to give intimation of the date to the society and respondent No. 5.

8. Needless to say that, hearing would be given to the petitioner No. 10 – society as well as respondent No. 5.

9. The writ petition is disposed off.

10. In view of disposal of the writ petition, civil application also stands disposed off.

(KISHORE C. SANT, J.)

PS.B.