

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 WRIT PETITION NO.9935 OF 2021

SHAIKH ISAK SHAIKH FATRU AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Ghatol Patil Shahaji B.
AGP for Respondents-State : Mr. B. V. Virdhe
Advocate for Respondent No.4 : Mr. A. G. Deshmukh
Advocate for Respondent No.5 : Mr. U. M. Maske Patil
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CORAM : ARUN R. PEDNEKER, J.

DATE : 04/09/2023

PER COURT :

Heard the learned Advocate representing the respective parties.

2. The learned Advocate for the petitioners submits that the revision was filed against the order dated 19/07/2021, passed by District Deputy Registrar, respondent No.3, by the respondent No.4 before the respondent No.2 Divisional Joint Registrar, Co-operative Societies, Latur on 23/07/2021. The record indicates that the notices were issued in the Revision Petition on 23/07/2021 and the hearing of the matter was fixed on 27/07/2021. On the returnable date 27/07/2021, the impugned order is passed.

3. The learned Advocate for the petitioner submits that the notice dated 23/07/2021 is not served upon the petitioners and that on the returnable date i.e. within four days of the notice, the authority respondent No.2 has passed the impugned order. The notice of the hearing was not given to the petitioners, as such, he was not present before the authorities.

4. The learned Advocate representing respondent No.4 Caveator, so also the State submits that the notices were issued on 23/07/2021, however there is no evidence produced on record by the State or by the respondent No.4 that the notice is received by the petitioners.

5. In the fact situation of the case, that the the petitioners were not heard in the Revision Petition, the impugned order dated 27/07/2021, passed by the respondent No.2, is set aside and the matter is remitted back to the respondent No.2 for fresh adjudication.

6. The parties to appear before the respondent No.2 on

10/10/2023 so as to enable respondent No.2 to give further date in the matter.

7. As considerable period has passed, the respondent No.2 to decide the revision petition as expeditiously as possible. All contentions of the parties are kept open.

8. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.