

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

901 WRIT PETITION NO.10635 OF 2015

**SWAPNIL VILASRAO GUNDEWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Pralhad D. Bachate, Advocate for the petitioners
Mr. Sachin S. Deshmukh, Advocate for respondent No. 4
Mr. K. B. Jadhavar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 14th JUNE, 2023

P. C.

1. Challenge in the petition is to the notice dated 22-10-2009 issued by District Sub-Registrar Co-operative Societies, Hingoli and Enquiry Officer Nagnath Urban Co-operative Bank Ltd. Hingoli whereby charges are framed against the petitioner and revision was filed challenging the order of issuance of notice in respect of enquiry under Section 88 of the Maharashtra Co-operative Society Act. Said revision came to be dismissed by order dated 29-04-2015 by the Hon'ble Minister Co-operative Market and Textile. This petition is by father against whom original enquiry was started.

2. His apprehension is that principles of natural justice are not being followed as the Registrar has not observed the procedure prescribed under Rules of Maharashtra Co-operative Societies Rules, 1961.

3. The Assistant Registrar has already filed an affidavit-in-reply to the petition saying that enquiry would be conducted as prescribed under law. He pointed out that in fact the authorized officer has given every chance to explain the charges and has further stated that proper procedure would be followed. Needless to say that every authority conducting the enquiry has to follow the principles of natural justice.

4. Learned advocate for respondent No. 4 submits that this petition is only an attempt to drag the enquiry when the enquiry was contemplated in 2009 and now in 2023 and yet the enquiry is not started in full fledged and he prays for dismissal of the petition.

5. This court is not expected to interfere with the enquiry when it is yet to be completed. After enquiry is completed the petitioner has other remedy available to challenge the enquiry. This court therefore finds that no interference is required at this stage. The writ petition can be disposed off by directing that enquiry be conducted as early as possible preferably within a period of six months from the date of receipt of this order.

6. Needless to say that the authorities will follow all the principles of natural justice and procedure as prescribed in law.

7. All the contentions are kept open.

8. Writ petition stands disposed off in above terms.

[KISHORE C. SANT, J.]