

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2475 OF 2023

Balasaheb Dattatray Honmare & Anr. Petitioners

versus

The State of Maharashtra & Ors. Respondents

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- Mr. Ashutosh M. Kulkarni i/b. Sarthak S. Diwan, Advocate for Petitioners.
- Mr. P. D. Pujari, AGP for Respondent Nos.1 to 4.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th MARCH, 2023

P.C. :

1. Heard Mr.Ashutosh M. Kulkarni, learned counsel for the Petitioners and Mr. P. D. Pujari, AGP for Respondent Nos.1 to 4.

2. This Petition is preferred by the Petitioners for setting aside the directions given by the Respondent No.1 in the communication dated 30/12/2022.

3. Vide the said communication, the Special Executive Officer and Joint Registrar (Co-operative Society, Government of

Nesarikar

Maharashtra) had removed the stay granted on the enquiry which is being made in respect of the affairs of Sangli District Central Co-operative Bank.

4. The enquiry was initiated vide the letter dated 14/09/2021. Thereafter the Petitioner No.1 made a representation on 20/09/2021 requesting the cancellation of the enquiry. Vide order dated 23/09/2021 the Desk Officer, Government of Maharashtra, addressed a communication to the Registrar, Co-operative Society, State of Maharashtra, informing him that the order dated 14/09/2021 initiating the enquiry was stayed.

5. Subsequently, on 30/12/2022, the Special Executive Officer and Joint Registrar (Co-operative Society, Government of Maharashtra) informed the Registrar for Co-operative Societies, that the Government had directed him to vacate the stay granted on the enquiry.

6. Learned counsel for the Petitioners submits that the stay to the enquiry was granted after the Petitioner No.1 had made a representation before the Government of Maharashtra. However, when that stay was vacated, at that time, no notice was given to the Petitioners and without hearing him, the order vacating the stay was passed. Learned counsel for the Petitioners submitted that because of the change in Government, this order adverse to the Petitioners is passed with political motives.
7. Learned AGP representing the Respondent Nos.1 to 4 opposed these submissions. According to him, the committee is already formed for enquiring into the allegations. The allegations are serious.
8. I have considered these submissions. I have also perused the communication dated 14/09/2021. The allegations are mentioned in that particular letter. In view of the allegations, I am not inclined to grant stay to the ongoing enquiry. However, since the representation of the Petitioner No.1 is already

pending before the Hon'ble Minister, directions can be issued for deciding his representation within a period of three weeks from today.

9. Hence, the following order :

ORDER

- (i) The Hon'ble Minister, Department of Co-operation, Marketing and Textiles, is requested to take a decision on the representation made by the Petitioner No.1 within a period three weeks from today.
- (ii) The Writ Petition stands disposed of accordingly.
- (iii) All contentions raised by Petitioners are left open.

(SARANG V. KOTWAL, J.)