

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3525 OF 2022

Bahireswar Sahdudh Vyavasaik

Sanstha Maryadit, thr. Its Chief

Promoter

...Petitioner

V/s.

The State of Maharashtra, thr.

Honourable Minister, Animal

Husbandry Dairy Development

Sports and Ors.

....Respondents

Mr. Surel Shah i/by. Mr. Ajit Savagave, for the Petitioner.

Mr. C.D. Mali, AGP for State.

Mr. Chetan Patil for Respondent No.5.

CORAM : SANDEEP V. MARNE, J.

Dated : 30 November 2023.

P.C. :

1. By this petition, Petitioner-proposed Society has challenged the order dated 31 January 2022 passed by the Minister, Dairy Development setting aside the order dated 24 November 2020 passed by the Divisional Joint Registrar, Co-operative Societies (Milk). The only reason recorded by the Minister for setting aside the Order passed

by the Divisional Joint Registrar is failure to issue notice to Respondent No.5 who had infact objected to registration of Petitioner-Society before the District Deputy Registrar (Milk). However, while holding that Respondent No.5 was required to be heard by the Divisional Joint Registrar before passing Order dated 24 November 2020, the Minister has proceeded to set aside the Order dated 24 November 2020 without remanding the proceedings for fresh hearing before the Divisional Joint Registrar. This appears to be clearly erroneous.

2. Accordingly, the Order passed by the Minister on 31 January 2022 is modified by directing that consequent to setting aside the order dated 24 November 2020 passed by the Divisional Joint Registrar, the Appeal filed by the Petitioner-Society shall stand restored on the file of the Divisional Joint Registrar who shall proceed to decide the same on its own merits after grant of opportunity of hearing to Respondent No.5. With the above directions, the Writ Petition is **disposed of**.

3. Parties shall appear before the Divisional Joint Registrar on 15 December 2023 and obtain further directions.

SANDEEP V. MARNE, J.