

**Dusane**

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

**WRIT PETITION NO.15342 2023**

Shivaji Ramrao Nimbalkar ...Petitioner

V/s.

State of Maharashtra, through ...Respondents  
Department of Co-operation  
Marketing & Textile Mantralay & Ors.

**WITH  
WRIT PETITION NO.15344 2023**

Pruthviraj Sahebrao Jachak ...Petitioner

V/s.

State of Maharashtra, through ...Respondents  
Department of Co-operation,  
Marketing & Textile Mantralay & Ors.

**WITH  
WRIT PETITION NO.15351 2023**

Sambhaji Shivaji Kate ...Petitioner

V/s.

State of Maharashtra, through ...Respondents  
Department of Co-operation  
Marketing & Textile Mantralay & Ors.

**WITH  
WRIT PETITION NO.15343 2023**

Sudhir Nagnath Bhosale

...Petitioner

V/s.

State of Maharashtra, through  
Department of Co-operation  
Marketing & Textile Mantralay & Ors.

...Respondents

Mr. Anil Anturkar, Senior. Advocate a/w Mr. Chetan G. Patil  
i/by Mr. Mandar Bagkar, for the Petitioner in WP No.15351 of  
2023.

Mr. Bhushan Jadhav a/w Mr. Chetan Patil for Petitioner in  
WP/15342/2023.

Mr. S.S. Patwardhan a/w. Mr. Bhooshan Mandlik for the  
Petitioner

Mr. S.S. Patwardhan, a/w Mr. P. M. Maindargi a/w. Ms.  
Rajeshwari Patwardhan, for the Petitioner in W. P. No. 15343  
of 2023.

Dr. Birendra B. Saraf, Advocate General a/w Mr. P. P. Kakade,  
GP. a/w. Mr. S. D. Rayrikar, AGP, for Respondent Nos. 1 & 2

Mr. Ashutosh Kumbhkoni, Senior Advocate a/w Mr. Deelip Patil  
Bankar, Chief Standing Counsel - SCEA for Resp. No. 3 & 4.

Mr. Shekhar Jagtap a/w. Mr. Venkatsh Shinde & Mr. Ishan  
Paradkar i/b. J.Shekhar and Co. for Respondent No. 5.

**CORAM: MADHAV J. JAMDAR, J.**

**DATE: 19th December 2023**

**P.C.:**

**1.** At the outset, Mr. Kumbhakoni, learned Senior Advocate  
appearing for Respondent Nos. 3 and 4 in all Writ Petitions

makes following statements:-

1. Admittedly, after hearing all the Petitioners and the Respondent Society, the 3<sup>rd</sup> Respondent passed the order dated 20/10/2023, which was withdrawn, as reflected by the order dated 08/11/2023, passed by this Hon'ble Court in the group of matters being W. P. No. 13541 of 2023 and others.
2. In pursuance of the aforesaid order dated 08/11/2023, the 3<sup>rd</sup> Respondent has passed the order dated 30/11/2023, which is impugned by the present group of Petitions.
3. After passing of the order dated 20/10/2023, which was withdrawn, as reflected by the aforesaid order of this Hon'ble Court dated 08/11/2023, and before passing of the order dated 30/11/2023, all the Petitioners and the Respondent Society were not heard again, by the 3<sup>rd</sup> Respondent. *Inter-alia* on this ground, the order dated 30/11/2023 passed by the 3<sup>rd</sup> respondent is assailed in the present group of four Writ Petitions.
4. In order to give one more opportunity to all the Petitioners and the Respondent Society, more particularly to all the Petitioners, the 3<sup>rd</sup> Respondent hereby withdraws the aforesaid impugned order dated 30/11/2023.

5. All the Petitioners and the Respondent Society may submit with the office of the 3<sup>rd</sup> Respondent, on or before 04/01/2024 only written submissions, in support of their objections that are already submitted with the 3<sup>rd</sup> Respondent, objecting to the provisional list of voters dated 05/10/2023, of the Respondent Cooperative Society/Sugar Factory.

6. It is made clear that no separate notice is required to be issued in this regard. It is made further clear, in no uncertain terms that, neither additional oral hearing nor submission of any material in addition to the one that is already permitted to be produced on the record as on the date the first aforesaid order dated 20/10/2023 was passed, shall be permitted to any of the parties to the present group of Writ Petitions by the 3<sup>rd</sup> Respondent, for its consideration. Similarly, any further time beyond the aforesaid period shall not be permitted for submission of written submissions, to any of the parties, by the 3<sup>rd</sup> Respondent.

7. After considering the entire material already permitted to be produced on the record as on the date the first aforesaid order dated 20/10/2023 was passed, and the written submissions that will be submitted by the Petitioners and the Respondent Society, in any case on or before 04/01/2024, with

the office of the 3<sup>rd</sup> Respondent, the 3<sup>rd</sup> respondent shall pass a fresh order.

**2.** As the impugned order itself is withdrawn, nothing survives in the Writ Petitions. Accordingly, the Writ Petitions are disposed of.

**3.** It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

BHALCHANDRA  
GOPAL  
DUSANE

Digitally signed by  
BHALCHANDRA  
GOPAL DUSANE  
Date: 2023.12.19  
14:53:20 +0530

**(MADHAV J. JAMDAR, J.)**