

Anand

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

WRIT PETITION NO. 15908 OF 2023

Mohan Balkrishna Kanvalu & ors. .Petitioners

Vs.

The Divisional Joint Registrar for Co-operative Societies, Kolhapur & ors. .Respondents

Mr. Pradeep Dalvi a/w. Ms. Priya Dalvi, Advocate, for the Petitioners

Mr. P. G. Sawant, AGP, for Respondent Nos. 1 to 3 – State

Mr. Rahul P. Kasbekar, Advocate, for Respondent No. 4

Mr. Daji Shankar Khatal, Assistant Registrar, Co-operative Society, Vaduj, Taluka – Khatav, District – Satara present

CORAM : MADHAV J. JAMDAR, J.

DATE : 20.12.2023

P. C.

1. Heard Mr. Dalvi, learned counsel appearing for the Petitioners, Mr. Sawant, learned AGP appearing for Respondent Nos. 1 to 3 – State and Mr. Kasbekar, learned counsel appearing for Respondent No. 4.

2. It is the contention of Mr. Dalvi, learned counsel appearing for the Petitioners that the impugned order has been passed without giving notice to the Petitioners. To support the said contention, he relied on track report of postal department on page No. 34 of the Petition. Respondent No. 2 – the Assistant

Registrar, Co-operative Society, Vaduj, Taluka – Khatav, District – Satara is personally present in Court. Mr. Sawant, learned AGP appearing for Respondent Nos. 1 to 3 – State, on instructions, states that he was under the impression that the Petitioners have been served and therefore, he proceeded with the matter. However, the said track report shows that the date on which the impugned order has been passed i. e. on 01.12.2023 the Petitioners were served.

3. In view of above, the Writ Petition is disposed of by passing the following order.

O R D E R

(i) By consent of the parties, the impugned order 01.12.2023 passed by the Respondent No. 2 - Assistant Registrar, Co-operative Society, Vaduj, Taluka – Khatav, District – Satara in proceeding filed under Section 77A of the Maharashtra Co-operative Societies Act, 1960 is quashed & set aside;

(ii) The Petitioners and Respondent No. 4 are directed to appear before Respondent No. 2 - the Assistant Registrar, Co-operative Society, Vaduj, Taluka – Khatav, District – Satara **on 22.01.2024**;

(iii) The Respondent No. 2 to pass fresh order after giving opportunity to all the parties.

4. The Writ Petition is disposed of in above terms with no order as to costs.

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

(MADHAV J. JAMDAR, J.)