



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

908 WRIT PETITION NO. 8223 OF 2024

PROPOSED JAY MALHAR VIVIDH KARYAKARI SEVA SAHAKARI SANSTHA
MARYADIT THROUGH CHIEF PROMOTER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE HONBLE MINISTER AND
ANOTHER

Mr.V.P. Latange, Advocate for the petitioner.

Mr.V.S. Badakh, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 10.09.2024

PC :-

01. Heard.

02. The challenge is to the order passed by the learned Minister (Co-operation), State of Maharashtra dated 27.06.2024. The main grievance raised in the petition is that the petitioner presented appeal on 11.03.2024. The learned Minister reserved the appeal for orders on the very same day without issuing notice to other side. From Roznama he pointed out that the appellant and the respondent therein were present. However, from the same Roznama, it is seen that there is no signature of the respondent showing its presence. He submits that after reserving the appeal

for judgment, it is delivered on 27.06.2024, challenge is on two grounds that the learned Minister has not applied its mind and has passed the order without giving proper opportunity even to the appellant. He thus submits that the appeal needs to be remanded back to the learned Minister for decision afresh.

03. The learned AGP submits that the appeal is rejected. While rejecting the appeal, notice was given to other side. It is sufficient compliance to hear a party against whom the order is to be passed. Hearing is given to the appellant, which is clear from Roznama and subsequently order is passed. The learned Minister has considered the arguments of the appellant. He thus prays for rejection of the writ petition.

04. It is well settled that justice should not be done but it should be seen to have been done. It was necessary for the learned Minister, therefore, to give sufficient opportunity of hearing to the petitioner. The petitioner had been to Mantralaya on 11.03.2024 only for presenting the appeal. Naturally no one is

prepared to argue the case on merits except the point of maintainability is raised. It is natural that notice would be issued to the other side and it is only thereafter opportunity to both the sides would be given and then the appeal will be decided. It is seen from the impugned judgment and order that even no record was called by the learned Minister. Considering the above, this Court finds that it is a fit case to remand the appeal to the learned Minister for deciding the appeal afresh by giving sufficient opportunity to the petitioner. Hence, following order :-

ORDER

- (a) The writ petition is allowed partly.
- (b) The impugned judgment and order dated 27.06.2024 passed in RVA-2024/Pra.Kra.127/15-S stands quashed and set aside.
- (c) Said proceeding is remanded back for fresh decision on merits in accordance with law.
- (d) The appeal is expected to be decided within nine months from today.

[KISHORE C. SANT, J.]