

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

WRIT PETITION NO.13671 OF 2024

- | | |
|--------------------------|------------------|
| 1. Vilas Tukaram Magdum |] |
| 2. Ganpati Raghu Magdum |] |
| 3. Krushnath Bhau Padale |] |
| 4. Ajit Annaso Patil |] |
| 5. Joti Bhau Hindule |] |
| 6. Tanaji Tukaram Chavan |] |
| 7. Satabai Daji Bodake |] |
| 8. Nanaso Chandar Benke |] |
| 9. Annapa Narayan Bodke |] |
| 10. Suresh Maruti Magdum |] .. Petitioners |

Versus

- | | |
|---|------------------|
| 1. Ministry of Co-operation,
Maharashtra State |]
] |
| 2. Shri Vithal Sahakari Pani Purvatha Sanstha
Maryadit Daryache Vadgaon, Dist. Kolhapur |]
] |
| 3. Divisional Joint Registrar,
Co-operative Societies, Kolhapur Division |]
] |
| 4. Assistant Registrar,
Co-operative Societies, Karveer, Dist. Kolhapur |]
] |
| 5. Pradeep Malgave
Authorized Inquiry Officer,
Shri Vithal Sahakari Pani Purvatha Sanstha
Maryadit Daryache Vadgaon, Karveer, Kolhapur |]
]
]
] |
| 6. <i>Bindu Ramchandra More (Deceased)</i> |] |
| 7. <i>Laxmi Rami Sasane (Deceased)</i> |] .. Respondents |

Mr. Manoj A. Patil, i/by Ms. Kalyani M. Mangave, Advocate for the Petitioners.

Mrs. Ashwini A. Purav, Assistant Government Pleader for the Respondent-State of Maharashtra.

Mr. Prashant Bhavake, Advocate for Respondent Nos.2 and 5.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 4TH OCTOBER 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The challenge raised in this writ petition is to the order dated 24th September 2024 passed by the Hon'ble Minister, Co-operation in Revision Application No.208 of 2024 preferred by the respondent no.2 herein. The respondent no.2 had approached this Court in Writ Petition No.12848 of 2024 (*Vitthal Sahakari Pani Purvatha Sanstha Maryadit Daryache Vadgaon, through Chairman Ramesh R. Chavan Vs. The Hon. Minister Department and Ors.*) and on 12th September 2024, the following directions came to be issued :-

“3. Considering the fact that the revision application has been filed by the petitioner on 13th February 2024, it is directed that the stay application in the said proceedings shall be decided on its own merits and in accordance with law.

4. The parties shall appear before the respondent no.1 on 19th September 2024. The petitioner shall intimate this aspect to respondent nos.4 to 16. The stay application shall be decided within a period of two weeks from the said date. The petitioner shall serve a copy of this order on the respondent no.1 as well as the respondent nos.4 to 16 to enable them to take steps accordingly.”

3. The grievance raised by the petitioners is that 24th September 2024 was the first date fixed for hearing of the proceedings. On that day, an application seeking supply of necessary documents was submitted on behalf of the petitioners. Without those documents being supplied, the Hon'ble Minister passed an order and a direction has been issued that within a period of eight days, written submissions be filed. On that basis, the proceedings were closed for passing orders. It is the grievance of the petitioners that the relevant documents were supplied by the revision applicant on 25th September 2024, after the proceedings were closed. He therefore submits that no reasonable opportunity was granted to the petitioners. On the other hand, the learned counsel for the respondent no.2 submits that time of eight days was granted to submit written arguments and hence principles of natural justice were complied with.

4. It is seen from the record that 24th September 2024 was the first date of the said proceedings when the petitioners demanded documents filed along with the Revision Application. Without considering that application, the Hon'ble Minister closed the proceedings for passing orders. The necessary documents were supplied on the next day. In our view, reasonable opportunity ought to be given to the parties in order to enable consideration of their respective stands. The direction issued on 24th September 2024 is in breach of principles of natural justice and is liable to be set aside.

5. Accordingly, the following order is passed :-

- (a) The order dated 24th September 2024 passed in Revision Application No.208 of 2024 is set aside.
- (b) The petitioners shall file their reply to the stay application within a period of one week from today.
- (c) The Hon'ble Minister can hear the parties on the stay application on 11th October 2024 or on any other convenient date with due notice to the parties.
- (d) The time to decide the stay application is accordingly extended for a further period of four weeks from today.
- (e) All points on merits are kept open.

6. Rule is made absolute in the aforesaid terms. The writ petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]