

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1485 OF 2024.

Ramchandra Babu Shelke And Ors

...Petitioners.

Versus

Divisional Joint Registrar Of Co Op Soc And Ors

...Respondents.

Ms. Manjiri Parasnis a/w Mr. Sanjay Ranjane for the Petitioner.

Mr. Y. D. Patil AGP for the Respondent-State.

*Dr. Uday Warunjikar a/w Kaustubh Patil and Roshan Sawant for the Respondent
Nos. 3 and 4.*

Coram : Sharmila U. Deshmukh, J.

Date : November 27, 2024.

P. C. :

1. By the present Petition, the challenge is to the order dated 28th April 2023, passed by the Divisional Joint Registrar while exercising its Revisional powers under Section 154 of the MCS, Act 1960, by which the Petitioners came to be disqualified under Section 79 A of the MCS Act and the policy directives issued thereunder.

2. The primary submission of learned Counsel appearing for the Petitioners is that the Revisional Authority has not rendered any findings on the various issues which were raised before the Revisional Authority and by a very cryptic order has dismissed the Revision Application.

3. In view of the said findings, this Court inquired with the

learned Counsel appearing for the private Respondents whether the matter can be remanded for consideration afresh before the Revisional Authority so that the submissions of the Petitioners can be considered as against the background of the findings of the 1st Authority.

4. Dr. Warunjikar, learned Counsel appearing for the private Respondents, on instructions of Respondent No. 3, who is present in the Court is agreeable to the same.

5. In light of the above, the impugned order dated 28th April, 2023, is hereby quashed and set aside.

6. The Revision Application No. 49 of 2023 is remitted to the Divisional Joint Registrar to be considered afresh. The Divisional Joint Registrar is requested to render reasoned findings on the submissions raised by the Petitioners in the Revision Application after giving hearing to all the parties concerned.

7. Needless to clarify that this Court has not gone into the merits of the matter and as the submissions are not considered by the Revisional Authority, the matter is remitted to be considered afresh. As such all rights and contentions of all the parties are expressly kept open.

8. It is made clear that the impugned order dated 28th April, 2023, is quashed and set aside only qua the findings under Section 154 in Revision Application No. 49 of 2023 and will not affect the findings

in the Appeal under Section 152 i.e. Appeal No. 33 of 2023 which is pending for consideration before the State Government.

9. Parties to appear before the Divisional Joint Registrar on 12th December 2024 at 11.00 a.m.

[Sharmila U. Deshmukh, J.]