IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 6614 OF 2024

Shivaji Namdeo Bachute .... Petitioner

Versus

The State of Maharashtra Thr. Department of Co-operation and Ors. .... Respondents

SHANTANU SHANKARSA DHUDUM
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Date: 2024.09.09 18:31:01 +0530

Adv. R. V. Govilkar, Senior Counsel a/w Mr. Suhas Inamdar, Advocate for the Petitioner.
Mr. Sanjay D. Rayrikar, AGP, for Respondent Nos.1 to 3.
Mr. Prasad P. Kulkarni, Advocate for Respondent No.4.

CORAM : R. M. JOSHI, J.

DATE : 6th SEPTEMBER, 2024.

P.C. :

1. Heard.

2. Learned senior counsel appearing for the Petitioner submits that the impugned order passed by the Divisional Joint Registrar is without considering the merits of the case and only for the reason that the opportunity of hearing was given to the Petitioner while passing order dated 26/10/2023 by Deputy Registrar. He

further submits that the application, on the basis, of which the first order has been passed, was filed under the Right to Information Act. It is his submission that the society is not amenable to the provisions of the Right to Information Act and this was intimated to the Respondent No.5 by letter dated 17/05/2022. It seems that no appeal was filed against the said refusal of the information under the Right to Information Act. Apparently, on the basis of the same application i.e. dated 13/04/2022 filed under Right to Information Act further proceedings under the Maharashtra Co-operative Societies Act were initiated.

3. Learned counsel argues that question arises for consideration of this Court as to what is the consequences of non providing of the information under the Right to Information Act upon obligation of Petitioner under provisions of Maharashtra Co-operative Societies Act. In the facts of the case, Petitioner has made out a arguable case.

4. It is pointed out to this Court that the Respondent No.5 was served by private service. None appeared for this Respondent.

5. In the circumstances, case is made out for stay of the orders dated 26th October, 2023 and 22nd March, 2024. Accordingly

these orders are stayed till the next date.

6 Issue notice to the Respondents, returnable on 16th October, 2024.

7. Learned AGP waives service on behalf of the Respondent Nos.1 to 3.

8. Mr. Prasad P. Kulkarni waives service on behalf of the Respondent No.4.

(R. M. JOSHI, J.)