

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13182 OF 2024

The Ghatkopar Shanti Co. Op. Hsg. So. Petitioner
Ltd.

V/s.

Dipti Hasmukh Desai & Anr.

.... Respondents

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Mr.Trushar Bhavsar i/b Ms.Rutvij Bhatt, for the Petitioner.

Mr.Tushar Bhavsar a/s Mr.Sarosh Bharucha, Mr.Jay Vakil,

Mr.Nikhil Varma, Mr.Onkar Savarkar, for Respondent No.1.

Ms.A.A. Nadkarni, AGP, for Respondent No.2-State.

CORAM : R.M. JOSHI, J.

DATE : 26th SEPTEMBER 2024

P.C:-

. Heard.

2. The learned counsel for the Petitioner has pointed out that, the Divisional Joint Registrar of Co-operative Societies in Revision Application No.6 of 2024 has not heard the Petitioner before passing impugned order. To support his submission he has placed reliance on the roznamma, which indicates that, the Proceedings before the said Authority on 5th February 2024 was adjourned to 05-03-2024, and since on 05th

March 2024 no hearing could take place, the next date of hearing was given as 16th July 2024. However, surprisingly the Authority on 11th March 2024 passed impugned order without notice of preponment of proceeding. This clearly indicates that, the Petitioner was not heard and principles of natural justice are breached.

3. The learned counsel for the contesting Respondents submits that, if this Court is inclined to cause interference in the impugned order, the matter be relegated back to the Authority with a direction to decide the proceedings expeditiously.

4. There is no dispute about the fact that the Petitioner appeared in the proceeding before the Divisional Joint Registrar. However on 5th March 2024 hearing of the proceeding was postponed to 16th July 2024, but the order impugned is passed on 11th March 2024. Thus, without giving any notice to the Petitioner of the hearing on 11th March 2024 no order could have been passed. This Court therefore finds substance in the contention of the Petitioner that he denied opportunity of hearing, which is a sufficient reason for setting aside the

impugned order.

5. Hence, Petition is allowed in terms of prayer Clause (b).

6. The Proceeding being Revision Application No.6 of 2024 is relegated back to the Divisional Joint Registrar, Co-operative Societies, Mumbai Division for its decision afresh expeditiously and in any case within a period of three months from today.

7. Needless to say that this Court has not expressed any opinion with regard to the merits of the matter.

(R.M. JOSHI, J.)