

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17551 OF 2024.

Ramchandra Hari Patil

...Petitioner.

Versus

The State Of Maharashtra Thr Minister For Marketing ...Respondents.
And Textiles And Ors

Mr. Umesh R Mankapure a/w Nilesh Wable, Amol Kanaki for the Petitioner.

Ms. Priyanka B. Chavan AGP for the Respondent-State.

Mr. Sachin H. for the Respondent No. 4.

Mr. Abhijeet Kulkarni Senior Advocate, i/by Tanvi Phatake for the Respondent No. 5.

Coram : Sharmila U. Deshmukh, J.

Date : December 3, 2024.

P. C. :

1. After hearing the parties for considerable length of time, as the submissions advanced by the Petitioner as well as the decision of the Apex Court in the case of ***Gulam Yasin Khan vs. Sahebrao Yeshwantrao Walaskar***¹ and of this Court in the case of ***Dhrupadabai Laxmanrao Mhaske vs. Additional Commissioner, Amravati***² though placed for consideration before the authorities have not been considered, a query was posed by this Court whether the matter can be remanded to the First Authority i.e. District Deputy Registrar to be

1 AIR 1966 SC 1339

2 2015 (4) Mh.L.J.

considered afresh.

2. Learned Counsel appearing for the parties, on instructions are agreeable to the same. Learned Counsel appearing for the Respondent No. 3 would however submit that the view taken in the case of ***Dhrupadabai Laxmanrao Mhaske (supra)*** has since then being deviated from by recent judicial pronouncement. It will be open for the parties to place additional material on record before the District Deputy Registrar while considering the matter afresh.

3. In light of the above, the impugned orders dated 14th November 2024, and 14th October 2024, are hereby quashed and set aside.

4. The Application is remitted to the file of the District Deputy Registrar of Co-operative Societies to be considered afresh. Parties are at liberty to place additional material on record and advance submissions.

5. Parties to appear before the District Deputy Registrar on 10th December 2024, at 11.30 a.m. As the matter has been remitted for consideration afresh, the District Deputy Registrar is requested to decide the same expeditiously.

6. Needless to clarify that all rights and contentions of all the parties are expressly kept open as this Court has not gone into the merits of the matter.

7. The Petition stands disposed of in the above terms.

[Sharmila U. Deshmukh, J.]