



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4915 OF 2025

Ashok Anna Kale

.. Petitioner

Versus

The State Of Maharashtra
Through The Minister And Others

.. Respondents

Mr. Prasad D. Jarare, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent Nos. 1 and 2.

Mr. S.V. Adwant, Advocate i/by Mr. Prasad B. Kadam, Advocate for
Respondent No. 4.

Mr. N. B. Khandare, Senior Advocate h/f Mr. K. F. Shingare, Advocate
for Respondent No. 5.

CORAM : KISHORE C. SANT, J.

DATED : 16th APRIL, 2025.

P. C. :-

. Heard learned advocate for the petitioner, learned A.G.P. for
respondent Nos. 1 and 2, learned advocate Mr. Adwant for respondent
No. 4 and learned senior advocate Mr. Khandare for respondent No. 5.

2. The petitioner has challenged the order passed by the Minister
dated 13.03.2025 granting stay to the order passed by the respondent
No. 1 declaring the respondent No. 5 as disqualified under Section 73
CA (a-1) (1) (1) (b) (d) (2) and (3) of the Maharashtra Co-operative
Societies Act (for short "M.C.S. Act"). It is the case of the petitioner
that, the said order is passed only on roznama and without assigning

any reasons. He submits that, the petitioner was, in fact, before the Hon'ble Minister. The parties submitted the judgments. In the present of the parties no such order was passed. Only matter was adjourned to 04.06.2025. He was shocked to know that, later on the Hon'ble Minister has granted stay to the order impugned before the Minister.

3. The learned advocate for the petitioner submits that, it was necessary for the Hon'ble Minister to give reasons in support of the order while passing the order. The order is only one line order observing that, since there is no power of review available with respondent No. 1, stay is granted. He submits that, Hon'ble Minister has not discussed as to why the order passed by the respondent No. 1 was passed amounts to review. He relies upon the judgments in the cases of Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota Vs. Shukla and Brothers¹ and State Bank of India and others Vs. Rajesh Agarwal and others². By relying upon these judgments he submits that, it is necessary to follow the principles of natural justice while passing the order. He thus submits that, the order deserves to be quashed and set aside by directing the Hon'ble Minister to give fresh hearing on stay application.

4. The learned senior advocate for respondent No. 5 submits that,

1 (2010) 4 SCC 785.

2 (2023) 6 SCC 1.

the Hon'ble Minister has passed discretionary order. He has passed the order by giving sufficient reason. While passing the interim order the authority has to keep in mind that, the main matter does not become infructuous. By keeping in view this principle the order is rightly passed. He also submits that, the petitioner was very much present on the date on which the order was passed. The order thus cannot be said to have been passed behind back of the petitioner and prays for rejection of the petition.

5. The learned A.G.P also supports the order and prays for rejection of the petition.

6. By going through the judgments relied upon by the parties, it is clear that, the parties are expected to follow the principles of natural justice and should give the reasons while passing the order. There cannot be dispute about the said proposition. In the present case, this Court finds that, the Hon'ble Minister has even, though not elaborate, given reasons for grant of stay stating that, the order impugned before him appears to be passed by exercising power of review. This Court while examining the discretionary order need not go into correctness of the reasons by going into details. The Court only has to see as to whether the authority has applied its mind at least prima facie. Other aspect needs to be considered is that, now the matter is kept for

hearing on 04.06.2025. The respondent No. 5 is held to be disqualified by the order of respondent No. 1. There is no propriety in vacating the interim relief granted in favour of respondent No. 5. If stay is not granted, the revision itself before the Hon'ble Minister would become infructuous.

7. The interest of justice can be given by directing the Hon'ble Minister to try to close the matter for orders on 04.06.2025 and to dispose of the revision. Parties are also directed to co-operate in speedy disposal of the revision. This petition can conveniently be disposed of with above observations.

8. In view of the same, the writ petition stands disposed of. No order as to costs.

9. The Hon'ble Minister, as far as possible, is requested to close the matter for order on 04.06.2025. Parties shall appear on the same date. Needless to say by giving opportunity of hearing to the parties.

(KISHORE C. SANT, J.)

PS.B.