

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6193 OF 2025

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Jankalyan Nagari Co-op. Credit Society

Through CEO Vinayak K. Phadke

... Petitioners

Versus

State of Maharashtra, Thr. Dept. of Co-op.

and Marketing & Ors.

... Respondents

.....
Mr. Surel Shah, Senior Advocate i/b Mr. Vishwajeet Mohite, Mr. Ketan Joshi (through VC) a/w Ishaan Kapse for the Petitioners.

Mr. Kishor Patil a/w Mr. S.A. Masal for the Respondent Nos. 3 to 8.

Ms. T.J. Kapre, AGP for the Respondent – State.

.....

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 9, 2025.

P. C. :

1. Learned Counsel for the Respondent Nos. 3 to 8 in all fairness states that before the impugned order was passed, the Petitioners were not heard.

2. In the affidavit-in-reply, it is stated that the Petitioners were heard before the impugned order as passed. Though, learned AGP contended

that hearing was given, we find the hearing was in respect of OTS Application and not in respect of application dated 2nd April 2025 on which the impugned order was passed. The impugned order dated 24th April 2025 is, therefore, quashed and set aside as passed in breach of principles of natural justice.

3. Respondent No.2 – Co-operative Commissioner and Registrar Co-operative Societies to hear the Application dated 2nd April 2025 (page 309 of the paper book) afresh within a period of 10 weeks from the date of communication of this order. If the Petitioner wants to file reply to the Application, the same be done within a period of 2 weeks from today.

4. Parties to appear before the Respondent No.2 on 15th September 2025 at 11.00 a.m. The Respondent No.2 to decide the Application after hearing the parties on its own merits and in accordance with law.

5. All contentions of all the parties are kept open.

6. The Petition is disposed of in the above terms. No costs.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]