

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16469 OF 2024

1. Hari Waman Pawar,
Age: 50 years, Indian Inhabitant,
Occu.: Agriculturist, Residing at Surdi,
Tal.: Barshi, District :Solapur
2. Mahadev Pandharinath Bodhale,
Age:47 years, Indian Inhabitant,
Occu.: Agriculturist,
Residing at Dhamangaon,
Tal.: Barshi, District :Solapur.
3. Kakasaheb Narhari Korake,
Age: 70 Years, Indian Inhabitant,
Occu.: Agriculturist,
Residing at Sarjapur,
Tal.: Barshi, District :Solapur.
4. Pramod Bhaskar Joshi,
Age: Adult, Indian Inhabitant,
Occu.: Agriculturist,
Residing at Dhamangaon
Tal.: Barshi, District :Solapur.
5. Bhagyashri Dadasaheb Lungase
Age: Adult. Indian Inhabitant,
Occu.: Agriculturist,
Residing at Dhamangaon,
Tal.: Barshi. District :Solapur.
6. Prashant Rajendra Deshmukh
Age: Adult. Indian Inhabitant,
Occu.: Agriculturist.
Residing at Dhamangaon.
Tal.: Barshi, District :Solapur.

7. Maruti Ganpat Waghmare,
Age:Adult, Indian Inhabitant,
Occu.: Agriculturist,
Residing at Malegaon
Tal.: Barshi, District :Solapur.
8. Tanaji Bajirao Fisake,
Age:58 Years, Indian Inhabitant,
Occu.: Agriculturist,
Residing at Tadvale-Yavali,
Tal.: Barshi, District :Solapur.
9. Maharudra Veernath Ghodke,
Age:51 Years, Indian Inhabitant,
Occu.: Agriculturist, Residing at Vairag.
Tal.: Barslhi, District :Solapur.

..... Petitioners

Versus

1. The Collector, Solapur,
Having Office at Solapur.
2. The Superintendent of Police,
Solapur, Rural, having Office at Solapur.
3. The District Deputy Registrar,
Co-operative Societies, Solapur,
Having Office at Solapur.
4. The Assistant Registrar,
Co-operative Societies,
Barshi, District: Solapur.
5. Shri. Rajendra Sukhadev Mirgane,
Age: Adult, Indian Inhabitant,
Residing At RSM Hights, Telgirani Chowk,
Barshi, Tal.; Barshi, District: Solapur.
6. Santanath Griha Nirman Sanstha,
Through Chairman, Prakash Shivajirao
Gund, RSM Hights Telgirani Chowk,
Barshi. Tal.: Barshi. District: Solapur.

7. The State of MaharashtraRespondents

Mr. Sarang Aradhye with Mr. Shantanu Gurav & Ms. Gauri Velankar, for the Petitioners.

Mr. Kedar Dighe, Additional Government Pleader, for the Respondent Nos.1 to 4 & 7.

Mr. Akshay A. Kulkarni with Mr. Avesh A. Ghadge, for the Respondent No.5.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATED : 11th JUNE 2025.

JUDGMENT :- (*Per Dr. Neela Gokhale, J.*)

1. By way of this Petition, the Petitioners seek setting aside of communications dated 21st September 2023 and 26th October 2023 addressed by the Respondent No.1-Collector, Solapur to the Petitioners. By way of the impugned communications, the representation made by the Petitioners to the Collector, Solapur was rejected.

2. The Petitioners claim to be agriculturists from Vairag Taluka, District: Solapur. The Respondent No.1 is the Collector of Solapur and the Respondent No.2 is the Superintendent of Police, Solapur, Rural. The Respondent Nos.3 and 4 are the District Deputy Registrar and the Assistant Registrar of Co-operative Societies, District: Solapur respectively. The Respondent No.5 is the person

against whom the Petitioners have complained to the Collector. The Respondent No.6 is a co-operative Sugar Society and the Respondent No.7 is the State of Maharashtra.

3. This is a second round of litigation. It appears that due to mismanagement of the affairs of the Sahakari Sakhar Karkhana, by its Board of Directors, a Board of Administrators were appointed under the provisions of the Maharashtra Co-operative Societies Act, 1960. Recovery proceedings were also initiated under various provisions of law. Eventually, the property of the said Society was attached and an auction notice was also issued. It is alleged by the Petitioners that the Respondent No.5 appointed himself as President of Board of Administrators. He misrepresented to the Petitioners and many others that he was trying to save the properties of the said Society from being auctioned and on this misrepresentation raised huge funds to the tune of about Rs.9 Crores from various sources. It is the further contention of the Petitioners that the Respondent No.5 portrayed that there was a shortfall of Rs.4 Crores. He thus, induced the Petitioners and other sugarcane producing members to avail loan facility from Lokmangal Co-operative Bank, Solapur, by mortgaging their agricultural lands.

4. It is the further case of the Petitioners that they availed the loan amount from the bank on the assurance of the Respondent No.5 that he would clear the loan amounts availed by the Petitioners however, he has now left them in a lurch. The Respondent No.5 has refused to pay any money to the Petitioners and has clearly conveyed to them that he is not responsible for any loan availed by them. The Petitioners thus, made complaints to the Respondent Nos.1 and 2 against the Respondent No.5. They also made the representation to the Respondent No.4 pertaining to the fraud played by Respondent No.5 on them.

5. The Respondent No.4 entertained the representation and on 20th June 2019 invited the Petitioners for a meeting. He heard the grievance of the Petitioners. Thereafter, the Petitioners filed a Writ Petition No.6499 of 2021 in this Court complaining inaction by the Respondent No.1 regarding deciding their representation. This Court vide order dated 13th October 2022 directed the Respondent No.1 Collector herein to deal with the representation made by the Petitioners as per usual procedure in respect of the allegations made against the Respondent No.5. Paragraphs 4 and 5 of the order read as

thus;

“4. According to us, since a representation is made to the Collector by the Petitioners, same should be dealt with, like any other representation made by any citizen to the Collector.

5. The Collector thus will deal with the representation, as per usual procedure alongwith the report called for by the Collector in respect of the allegations made against Respondent No.5. It is thereafter open to the Collector to take such decision or action as the Collector may find fit in law and fact, and the circumstances.”

6. Pursuant to the order of this Court directing the Respondent No.1-Collector to consider the representation of the Petitioners and deal with the same *like any other representation made by any citizen to the Collector*, the Collector considered the representation along with the written submissions of the Petitioners on 9th December 2022. It is stated in the Petition that the Respondent No.3 had also heard them on 17th May 2023, 30th May 2023, 8th June 2023 and 13th June 2023. In the meantime, the Collector who heard the Petitioners on their representations was transferred. The new Collector considered the representation of the Petitioners, along with

the notes of submissions as well as the report of his predecessor in title. By order dated 21st September 2023/ 26th October 2023, he disposed off the representation as rejected. The grievance of the Petitioners is that the Collector, who came in place of the erstwhile Collector, decided their representations instead of his predecessor. It is this grievance which is sought to be agitated before us by way of the present Petition.

7. We have heard the respective counsels of both parties and perused the record with their assistance. The principal question raised by the Petitioners in the Petition is, whether a *quasi-judicial* authority has the power to pass an order on a matter which was heard by its predecessor.

8. Having considered the facts in the present matter as well as meticulously gone through the representation/complaint made by the Petitioners before the Collector, it is clear that the said representation is neither a statutory representation nor one in pursuance of an appellate or revisionary provision. The question of law formulated by the Petitioners itself is not in consonance with the facts in the present matter. The Petitioners essentially have a complaint

that the Respondent No.5 has induced them to avail of loan facilities from a bank on an assurance that he will repay the loan amounts to the bank. It may thus, be a case of cheating or criminal breach of trust. The Collector, in his administrative capacity is not duty bound to grant a personal hearing to the Petitioners. Moreover, the earlier order passed by this Court itself directed the Collector to deal with the representation of the Petitioners like any other representation made by any citizen to the Collector. The Collector was thus, not expected to hear any individual Petitioner in respect of the representation of the Petitioners.

9. We have perused the order passed by the Collector. The order appears to be a considered one. It is clear that the Collector has applied his mind to the representation, written submissions as well as the report and notes of his predecessor, independently before deciding the same. We therefore, do not find any reason to interfere with the impugned order on the ground that the Collector did not give a fresh personal hearing to all the Petitioners.

10. It is also settled law that under different situations and conditions, requirement of compliance of the principles of natural

justice may vary. It cannot be insisted that under all circumstances and under different statutory provisions, personal hearings must be afforded to the persons concerned. Even quasi-judicial authorities are expected to apply their judicial mind to the grievances made before them, but it cannot be held that before dismissing such appeals or applications in all events the quasi-judicial authorities must hear the appellants or the applicants, as the case may be. The principles of natural justice require an opportunity of being heard to be given before any adverse order is passed but it does not in all circumstances contemplate a personal hearing. If an order is passed after taking into consideration the points raised in the appeals/applications, the order shall not be held to be invalid only on the ground that a personal hearing was not given. Infact, this Court vide order dated 13th October 2022 had directed the Collector to decide the Petitioners' representation. This Court did not direct the Collector to give personal hearing to the Petitioners. Infact, the Collector could have well proceeded to decide the representation, however the Collector heard the Petitioners. In any case, the Collector in the present matter was dealing with a mere representation of the Petitioners complaining about being cheated by the Respondent No.5. The Collector has

decided the representation in good faith and after taking into account all relevant circumstances. The Collector was not bound to give a personal physical hearing to all the Petitioners. No statutory provision is violated by not affording a personal physical hearing to all the Petitioners.

11. In view of the aforesaid discussion, we do not find any infirmity in the impugned order. Petition is dismissed.

12. Petition accordingly stands disposed off.

13. All parties to act on an authenticated copy of this Judgment.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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signed by
SHAMBHAVI
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