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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1999 OF 2025

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Dr. Prakash Shripad Shahapurkar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Dhruvad S. Patil a/w Mr. Dheeraj Patil for petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mrs. G. R. Raghuwanshi, AGP for respondent nos.1 and 2.

**CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE: 12th FEBRUARY, 2025

P.C.:

1. In this petition, the petitioner has assailed the validity of the order dated 23rd January, 2025 passed by the respondent no.2 – Regional Joint Director (Sugar) under Section 88 of the Maharashtra Cooperative Societies Act, 1960 (the Act of 1960) by which an inquiry officer has been appointed to perform the function as contemplated under Section 88 of the Act of 1960.

2. Facts giving rise to filing of this petition briefly stated are that the petitioner is an ex-Chairman of respondent no.6 – Appasaheb Sahakari Sakhar Karkhana Ltdd. On 19th November, 2024 a report was submitted by one Mr. D. B. Patil. By the impugned order dated 23rd January, 2025, the same person i.e. Mr. D. B. Patil, has been appointed as an inquiry officer.

3. Learned counsel for the petitioner submits that the action of respondents in appointing Mr. D. B. Patil as an inquiry officer is irrational and arbitrary as the aforesaid officer cannot be expected to conduct the inquiry in an independent and impartial manner.
4. In view of the aforesaid submission, learned Additional Government Pleader submits that the respondent no.2 shall pass a suitable order appointing some other officer as an inquiry officer.
5. In view of aforesaid submission, impugned order dated 23rd January, 2025 passed by the respondent no.2 – Regional Joint Director (Sugar) in so far as it pertains to appointment of Mr. D. B. Patil as inquiry officer is set aside. The respondent no.2 shall pass a fresh order within a period of two weeks appointing some other officer as an inquiry officer.
6. Needless to state that it will be open to the petitioner to take all such defenses which may be available to him before the inquiry officer.
7. Accordingly, writ petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)