



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 265 OF 2025

(Yavatmal Zilla Parishad Karmachari Sahakari Pat Sanstha Ltd., through its General Manager Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.L. Khapre, Senior Counsel with Mr. V.A. Lohia, Counsel
for the petitioner.

Ms Kalyani Marpakwar, A.G.P for respondent nos. 1 to 3.

Mr. Firdos Mirza, Senior Counsel with Mr. A.V. Gawande,
Counsel for respondent no.4.

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CORAM : ANIL L. PANSARE, J.
JANUARY 23, 2025

Having heard both sides at length, what emerges is, in the proceedings filed by respondent no.4 under Section 11 read with Sections 25, 25-A and 35 of the Maharashtra Co-operative Societies Act, 1960, and Rules 28 and 29 of the Maharashtra Co-operative Societies Rules, 1961, respondent no.3 has, vide order dated 5/8/2024, granted stay to the decision taken by the Society to remove respondent no.4 in terms of Clause 1.6 of bye-laws. The stay, however, has been granted without assigning any reason.

2] The Hon'ble Supreme Court in the case of *Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota Vs. Shukla and Brothers [(2010) 4 SCC 785]* has highlighted the importance of reasoned order/judgment in following terms :

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

3] Thus, the Supreme Court has, in so many words, explained the importance of reasoned judgment, which should include order as well. The Supreme Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and, in fact, is a mandatory requirement of procedural law.

4] The order dated 5/8/2024 was challenged by the petitioner – Society before respondent no.2, who had initially granted stay to the said order, but later on, by impugned order dated 11/12/2024, vacated the same on the ground that if notice of removal of respondent no.4 is not stayed, the proceedings filed by him will render infructuous.

5] Apart from the fact that the aforesaid reason will not stand scrutiny of law, the fact remains that the order passed by respondent no.3, having been passed without assigning reason is unsustainable. Respondent no.2 ought to have considered the settled principles of law while dealing with challenge to the said order. Having failed to do so, the order impugned so also order passed by respondent no.3 are liable to be quashed and set aside. Hence, the following order :

ORDER

I] Order dated 11/12/2024 passed by respondent no.2 – Divisional Joint Registrar, Co-operative Societies, Amravati, in Revision Application No. 42/2024, so also order dated 5/8/2024 passed by respondent no.3 – District Deputy Registrar, Co-operative Societies, Yavatmal, are quashed and set aside.

II] The application seeking stay filed by respondent no.4 before respondent no.3 is restored on its file for decision afresh in accordance with law, including examining the issue whether the proceedings, as filed, are maintainable, and for that purpose, order dated 14/11/2024 passed by respondent no.2, is also set aside by which stay was granted to the order passed by respondent no.3.

6] The petition is disposed of in above terms. No costs.

7] All parties to act on authenticated copy of
the order.

(ANIL L. PANSARE, J.)

Sumit