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

WRIT PETITION NO.12671 OF 2025

Vilas Tukaram Magdum and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Manoj A. Patil i/b Ms. K. M. Mangave, Advocate for
Petitioners

Mr. Sanjay D. Rayrikar, AGP for Respondents - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd FEBRUARY, 2026

ORDER :

1. This Petition, filed under Article 227 of the Constitution of India, challenges order passed by the Hon'ble Minister for Cooperation, Marketing and Textile Department, Mantralaya, Mumbai.

2. Inquiry under section 88 of the Maharashtra Co-operative Societies Act, was conducted against the Petitioners and Recovery of Rs.12,20,747/- was sought from them, on the alleged ground of causing loss to the society, of which the Petitioners are the directors. The Petitioners challenged the said

inquiry report by filing Appeal No. 69 of 2023 before Respondent No.3. By a well reasoned order Respondent No.3 allowed the Appeal and set aside the report under section 88 of the said Act and remanded the matter back for fresh adjudication. The society challenged the order of Respondent No.3 before Respondent No.1. The first Respondent set aside the decision of Respondent No.3, by allowing the Revision filed by the Society. Hence, the present Writ Petition.

3. Though served, Respondent No.2 Society and Respondent No.5 the Authorized Inquiry Officer are not present.

4. Heard learned Advocate for the Petitioner and learned AGP for the State. Perused the record.

5. It is evident from the impugned order that no case was made out by Respondent No.2 Society to exercise revisional jurisdiction by Respondent No.1. Respondent No.1 has erroneously set aside the well reasoned order passed by Respondent No.3, without assigning proper reasons. The impugned order is, therefore, vitiated on the ground of total non application of mind. Respondent No.1 has committed a serious error in exercising revisional jurisdiction, in a non deserving case. Since relevant aspects are ignored and no justifiable

reasons are assigned while passing the impugned order, the same is unsustainable in law and facts of the case, hence, the Writ Petition deserves to be allowed. In the result, the following order:

ORDER

- A. Writ Petition is allowed.
- B. Impugned order dated 11th July, 2025 passed by Respondent No.1 in Revision Application No. 208 of 2024 is hereby quashed and set aside.
- C. Order dated 29th December, 2023 passed by Respondent No.3 is hereby confirmed.

[NITIN B. SURYAWANSHI]
JUDGE