

(2023) 10 GUJ CK 0025

In the Gujarat High Court

Case No : R/Special Civil Application No. 17945 Of 2023

Paneshwar Doodh Utpadak Sahakari Mandli Ltd

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 13-10-2023

Acts Referred:

Citation : (2023) 10 GUJ CK 0025

Hon'ble Judges : Nirzar S. Desai, J

Bench : Single Bench

Advocate : Mihir Joshi, Baiju Joshi, Jay Trivedi

Final Decision : Disposed Of

Judgement

Nirzar S. Desai, J

1. Heard learned senior advocate Mr. Mihir Joshi with learned advocate Mr. Baiju Joshi appearing for the petitioners.

2. Learned senior advocate Mr. Mihir Joshi for learned advocate Mr. Baiju Joshi tendered a draft amendment dated 13.9.2023, which is taken on record and granted. To be carried out forthwith.

3. By way of this petition, the petitioners has prayed for the following reliefs :-

"(A) This Hon'ble Court be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction, directing the respondent Nos.1 to 3 herein to declare that the respondent No.4 as disqualified and remove the respondent No.4 as Chairman and Director of the respondent No.5 Society.

(B) This Hon'ble Court be pleased to issue a writ of mandamus and/or any other appropriate writ, order or direction, directing the respondent Nos.1 to 3 herein to initiate proceedings under the provision of Section 76B of the Act immediately and take appropriate steps expeditiously.

(C) During the pendency hearing and final disposal of this petition, this Hon'ble

Court be pleased to pass necessary orders upon respondent Nos.1 to 3 to investigate and submit the report before this Hon'ble Court in a time-bound schedule.

(D) Any other and further reliefs as deemed just and proper looking to the facts of this case, may kindly be granted in favour of the petitioner, in the interest of justice."

4. However, at the time of argument, learned senior advocate Mr. Mihir Joshi submitted that considering the fact that the representation made by the petitioners is pending with the respondent State Authority i.e. District Registrar, Surat and though the personal hearing was given in the month of July, 2023 i.e. on 30.7.2023, despite the fact that around three months are over, no decision has yet been taken by the District Registrar, upon the representation made by the petitioners. It was submitted by learned senior advocate Mr. Joshi that at this stage, without entering into merits of the matter, if the respondent District Registrar, Surat is directed to decide the representation made by the petitioners and submissions at the time of personal hearing and after considering that the respondents are directed to pass a reasoned order within some time bound schedule, the grievance of the petitioners would be redressed at this stage.

5. Considering the aforesaid innocuous prayer, the respondent and more particularly, respondent No.3 District Registrar, Co-operative Societies, Surat is hereby directed to take a decision by passing a reasoned order upon the representation made by the petitioners latest by 30.11.2023.

6. With the aforesaid directions, the petition is disposed of.

7. It is clarified that this Court has not gone into merits of the matter and District Registrar, Surat is directed to pass a reasoned order upon the representation of the petitioners. Needless to say that all the contentions of all the parties are kept open. Direct service is permitted.