

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

WRIT PETITION NO.3679 OF 2015

- | | | |
|----|--|---|
| 1] | Shri Vilasrao Bhauso Shinde |] |
| | Age : 76 years, Occ : Agricultural |] |
| | Mukkam Post : Aasta, Shinde Malla, |] |
| | Taluka : Valva, District Sangali |] |
| | |] |
| 2] | Shri Madan Vishwanathrao Patil |] |
| | Age : 55 years, Occ : Agricultural |] |
| | Vijay Banglow, Vasant Colony, |] |
| | District : Sangali |] |
| | |] |
| 3] | Shri Sikandar Appasaheb Jamadar |] |
| | Age : 60 years, Occ : Agricultural |] |
| | Mukkam Post : Kasbe Digraj |] |
| | Taluka Miraj District : Sangli |] |
| | |] |
| 4] | Shri Vilasrao Sakharam Patil |] |
| | Age : 69 years, Occ : Agricultural |] |
| | Mukkam Post : Koregaon |] |
| | Taluka : Valva, District : Sangali |] |
| | |] |
| 5] | Shri N. R. @ |] |
| | Rajendra Babasaheb Deshmukh |] |
| | Age : 58 years, Occ : Agricultural |] |
| | Mukka Post : Aatpadi |] |
| | Taluka : Aatpadi, District Sangali |] |
| | |] |
| 6] | Shri Ajitrao Shankarrao Ghorpade |] |
| | Age : 62 years, Occ : Agricultural |] |
| | Mukkam Post : Kognoli |] |
| | Taluka : Kognoli, District : Sangali |] |
| | |] |
| 7] | Shri Vijaykumar Appaso Sagre |] |
| | Age : 50 years, Occ : Agricultural |] |
| | Mukkam Post : Kavthemahakal |] |
| | Taluka : Kavthemahakal, District Sangali |] |
| | |] |

- 8] Shri Mohanrao Shripati Kadam]
 Age : 78 years, Occ : Agricultural]
 Mukkam Post : Chinchani(Aambak)]
 Taluka : Kdegaon, District Sangali]
- 9] Shri Shankarrao Aatmarao Patil]
 Age : 80 years, Occ : Agricultural]
 Mukkam Post : Visapur]
 Taluka : Tasgaon, District Sangali]
- 10] Shri Anilrao Kaljerao Babar]
 Age : 64 years, Occ : Agricultural]
 Mukkam Post : Gardi]
 Taluka : Khanapur, District Sangali]
- 11] Shri Mahendra Subrao Lad]
 Age : 49 years, Occ : Agricultural]
 Mukkam Post : Kundal]
 Taluka : Palus, District Sangali]
- 12] Shri Randhir Shivajirao Naik]
 Age : 42 years, Occ : Agricultural]
 Mukkam Post : Shiral]
 Taluka : Shiral, District Sangali]
- 13] Shri Sangramsinh Sampatrao Deshmukh]
 Age : 42 years, Occ : Agricultural]
 Mukkam Post : Kadepur]
 Taluka : Kadepur, District Sangali]
- 14] Shri Manikrao Mohanrao Patil]
 Age : 62 years, Occ : Agricultural]
 Mukkam Post : Borgaon]
 Taluka : Valva, District Sangali]
- 15] Shri Dilip Balaso Vagyani]
 Age : 57 years, Occ : Agricultural]
 Mukkam Post : Aasta]
 Taluka : Valva, District Sangali]
- 16] Smt.Anita Dilip Vagyani]
 Age : 49 years, Occ : Social Warker]
 Mukkam Post : Aasta]
 Taluka : Valva, District Sangali]

17] Shri Edris Eliyas Nayakvadi]
 Age : 51 years, Occ : Agricultural]
 High School Road Miraj]
 Taluka Miraj, District : Sangali]..... Petitioners

versus

1] Sangli District Central Co-operative Bank]
 Karmaveer Bhaurao Chowk]
 Sangli]
]
 2] Divisional Joint Registrar]
 Co-operative Societies,]
 Kolhapur Division, Kolhapur]
]
 3] Shri M. L. Mali]
 Authorized Officer & Deputy Registrar]
 Co-operative Societies, Miraj.]
]
 4] Honourable Minister]
 Cooperation Department]
 State of Maharashtra,]
 Mantralaya, Mumbai]
 (Summons to be served on the Learned]
 Government Pleader appearing for]
 State of Maharashtra under Order XXVII]
 Rule 4, of the Code of Civil Procedure,]
 1908)]
]
 5] State of Maharashtra]
 (Summons to be served on the Learned]
 Government Pleader appearing for]
 State of Maharashtra under Order XXVII]
 Rule 4, of the Code of Civil Procedure,]
 1908)]..... Respondents.

Mr. Y S Jahagirdar, Senior Advocate, with Shri A V Anturkar, Senior Advocate i/by Mr. Sugandh B Deshmukh and Sarang Satish Aradhye for the Petitioners.

Mr. Umesh Mankapure for the Respondent No.1

Mr. A. Y. Sakhare, Senior Advocate, Special Counsel, with Shri Pralhad D Paranjape, i/by Mr. C P Yadav, AGP for the Respondent Nos.2 to 5

CORAM : R. M. SAVANT, J.

DATE : 18th April 2015

ORAL JUDGMENT :-

1 At the outset the learned Senior Counsel appearing for the Petitioners seeks leave to amend the cause title of the above Writ Petition so as to make a reference to Article 227 of the Constitution of India. Leave granted. Amendment to be carried out forthwith.

2 Rule, considering the challenge raised in the above Writ Petition made returnable forthwith and heard.

3 The writ jurisdiction of this court under Articles 226 and 227 of the Constitution of India is invoked against the order dated 9/4/2015 passed by the State Government i.e. the Hon'ble Minister for Cooperation, Marketing and Textiles, Government of Maharashtra by which order the application for stay filed by the Petitioners in the Revision Application filed by them against the order dated 1/4/2015 passed by the Divisional Joint Registrar, Cooperative Societies, Kolhapur Division, Kolhapur came to be rejected.

4 It is not necessary to cite unnecessary details considering the challenge raised in the above Petition. The Petitioners herein are the ex-Directors of the Respondent No.1 Bank. An inquiry under Section 83 of the

Maharashtra Cooperative Societies Act came to be initiated against the Respondent No.1 Bank for looking into the affairs of the Respondent No.1-Bank for the period 2001 to 2012 on the premise that there were irregularities and defects which were noticed. It is required to be noted that the Board of Directors of the Respondent No.1-Bank was superseded in the year 2012 and presently an Administrator is in office. Since the outer limit of the term of the Administrator in terms of the Maharashtra Co-operative Societies Act 1960 has come to an end, the elections are required to be held to the Board of Directors of the Respondent No.1-Bank. The said process of holding the elections to the Respondent No.1-Bank was commenced by the first phase of the program announced which operates till finalization of the voters list. Thereafter the second phase of the election program was announced on 4/4/2015 which program encompasses the stage from filing of the nominations till voting. In so far as the inquiry under Section 83 of the Maharashtra Co-operative Societies Act (for brevity's sake hereinafter called as "the said Act") is concerned, the Divisional Joint Registrar appointed one Shri M. L. Mali, the authorized officer and Deputy Registrar, to conduct the said inquiry under Section 83 of the said Act. The gravamen of the allegations against the Board of Directors was relating to painting work of Bank Head Office, repair work of porch of building, expenses for celebration of 75 years of bank, irregularities in class 4 employees appointment, expenses for repairs of building, irregularities in refunding Bank Guarantee Fees, irregularities in funds released to Bachat Gat

without following directives of NABARD, expenses on retired officers of the bank, expenses in CCTV camera installation, expenses in Security Alarm System Installation, generator purchase irregularity, ATM machines and computer purchase cost irregularity, concessions given in OTS without following procedure, and Board of Directors Study Tour. Shri Mali submitted his report dated 20/11/2014 and in the said report held the Petitioners guilty of the alleged irregularities and defects.

5 The Petitioners aggrieved by the said report dated 20/11/2014 filed a Revision Application challenging the said order dated 20/11/2014 and also filed an application for stay of the said report. The said Revision Application and the stay application are pending.

6 In view of the fact that the report under Section 83 of the said Act has been submitted by the said Inquiry Officer a show cause notice dated 4/2/2015 came to be issued to the Petitioners under Section 85 of the said Act asking the Petitioners as to why the costs of the inquiry under Section 83 ought not to be recovered from them. The Petitioners replied to the said show cause notice vide their reply dated 11/2/2015. The Divisional Joint Registrar considered the said reply and by his order dated 1/4/2015 quantified the costs of the inquiry under Section 83 of the said Act at Rs.20,000/- and held the Petitioners along with 30 others individually liable in the sum of Rs.425/- or

Rs.426/- each under the provisions of the said Act. The Divisional Joint Registrar has principally relied upon the inquiry report submitted under Section 83 of the said Act to make the Petitioners liable to the extent of Rs.425/- and Rs.426/- as the case may be as the costs of inquiry which, as indicated above, he quantified at Rs.20,000/-.

7 Aggrieved by the said order dated 1/4/2015, the Petitioners filed a Revision Application before the State Government by invoking Section 154 of the said Act. In the said Revision Application, the Petitioners also filed an application for stay. However, it is the case of the Petitioners that though the said stay application was moved, it was not heard by the Revisionary Authority, the Petitioners were therefore required to file Writ Petition No.3574 of 2015 seeking directions to be issued to the Revisionary Authority to consider the said application for stay. The said Writ Petition came to be disposed by a Division Bench of this Court (Coram : B.R.Gavai & A.S.Gadkari, JJ) by the order dated 8/4/2015 by recording the statement made by the learned Senior Counsel appearing on behalf of the State and the Authorities that the application for stay would be heard on 9/4/2015 at 11 a.m.. The further statement of the learned Senior Counsel appearing for the State and the Authorities that the authorities would instruct the Returning Officer to postpone the scrutiny of the nominations to 3 p.m. from 11 a.m. on the said date i.e. 9/4/2015 was also recorded in the said Order. The said application for stay in the Revision

Application in terms of the order dated 8/4/2015 passed in the said Writ Petition came to be heard on 9/4/2015 and has by the impugned order bearing the same date has been rejected. At this stage it is required to be noted that in terms of the election program for the second phase the scrutiny was to take place on 9/4/2015 at 11 a.m. and was postponed to 3 p.m. in terms of the statement recorded in the order passed in the said Writ Petition. It is the case of the Petitioners that the order dated 9/4/2015 rejecting the said application for stay was made available to the Petitioners at around 2.15 p.m. on 9/4/2015. It is the further case of the Petitioners that before the order was made available, the Petitioners' nominations for contesting the elections to the Respondent No.1 Bank came to be rejected. Against the rejection of their nominations the Petitioners have filed Appeals under Section 152A.

8 The Petitioners thereafter on the same day itself i.e. on 9/4/2015 filed the above Writ Petition but did not annex the copy of the order as the same was not with them at the time of the filing of the above Writ Petition. The Petitioners therefore did not annex the copy of the said order dated 9/4/2015 and have tendered the copy of the said order when the above Petition was taken up for hearing as to admission on 17/4/2015.

9 The above Petition was initially moved before a Division Bench of this Court on 10/4/2015. Before the Division Bench an objection was raised

on the ground that having regard to the subject matter of the above Petition viz. the challenge to the order dated 9/4/2015 passed by the State Government i.e. the Revisionary Authority, the matter would lie before a learned Single Judge of this court. The Division Bench by passing an order on the same day i.e. on 10/4/2015 upheld the objection and directed the matter to be placed before the appropriate Court. The above Petition thereafter in terms of the order dated 10/4/2015 passed by the Division Bench was moved before this Court for urgent circulation which was granted for yesterday i.e. 17/4/2015 on which day the copy of the impugned order dated 9/4/2015 was tendered across the bar by the learned counsel appearing for the Petitioners, however, in view of the non-availability of the learned Senior Counsel for the State and the Authorities, the hearing of the matter was deferred till today.

10 Now coming to the order dated 9/4/2015. As indicated above the said order dated 9/4/2015 rejects the application for stay filed by the Petitioners of the order dated 1/4/2015 passed by the Divisional Joint Registrar whereby the Petitioners are made liable in the sum of Rs.425/- or Rs.426/- as the case may be towards defraying the costs of the inquiry under Section 83 of the said Act, which as indicated above, was quantified at Rs.20,000/-. The foundation of the order dated 9/4/2015, as can be seen from the impugned order, is the report submitted by the inquiry officer i.e. the Deputy Registrar under Section 83 of the said Act. The order goes on to hold

that since the Petitioners have been indicted by the inquiry officer, the Petitioners are liable to pay the said amount. Pertinently in the impugned order there is no reference to the fact that what was being considered was only the stay application and not the Revision Application itself but the tenor of the order indicates that the Revisionary Authority proceeded on the premise that it was considering the Revision Application rather than the application for stay filed in the said Revision Application. As indicated above it is the said order dated 9/4/2015 passed by the Revisionary Authority rejecting the application for stay filed by the Petitioners which is taken exception to by way of the above Writ Petition.

11 Heard the learned Senior Counsel for the parties. The learned Senior Counsel appearing on behalf of the Petitioners Shri Jahagirdar would question the initiation of action under Section 85 of the said Act in the absence of any order passed under Section 88 of the said Act. It is the submission of the learned Senior Counsel for the Petitioners that the manner in which the order has been passed rejecting the application for stay does not inspire confidence having regard to the fact that the election program was at the stage where the scrutiny of the nominations was to take place. The learned Senior Counsel would contend that the endeavour appears to be to see to it that the Petitioners are disqualified having regard to the fact that an order passed under Section 85 of the said Act results in a disqualification under Section 73CA(1)

(iii) of the said Act. The learned Senior Counsel would contend that when the report under Section 83 of the said Act does not amount to any disqualification under Section 73CA of the said Act, recourse to the provisions of Section 85 of the said Act seems to have been taken having regard to the fact that an order passed under Section 85 is covered by Section 73CA(1)(iii) of the said Act which is the disqualification provision. The learned Senior counsel for the Petitioners would contend that in any event since the Revision Application is the substantive remedy which is available to the Petitioners against the order passed under Section 85, the Revisionary Authority was required to grant a stay pending Revision Application as otherwise there would be a *fait accompli* in so far as the Petitioners are concerned. The learned Senior Counsel relied upon the judgment of a learned Single Judge of this Court dated 4th March 2015 in Writ Petition No.1963 of 2015 (Arun Dattatraya Narake Vs. Authorized Officer Kolhapur District Central Co-op. Bank Ltd. and ors.) and companion matters, wherein the stay refused by the Appellate Authority in an Appeal filed against an order passed under Section 88 was granted by this Court.

12 Per contra, the learned Senior Counsel for the Respondent Nos. 2 to 5 Shri Sakhare, and the learned counsel for the Respondent No.1-Bank Shri Mankapure would support the impugned order. The learned Senior Counsel appearing on behalf of the Respondent Nos. 2 to 5 would contend that since there is no stay operating in so far as the report under Section 83 is concerned,

the authorities were within their right to proceed under Section 85 of the said Act. The learned Senior Counsel for the Respondent Nos.2 to 5 would contend that since the Petitioners have been indicted in the said report, the order dated 1/4/2015 passed by the Divisional Joint Registrar fixing the liability on the Petitioners to the extent of Rs.425/- or Rs.426/- towards the defrayment of the costs of the inquiry cannot be found fault with. The learned Senior Counsel would lastly contend that having regard to the order passed by the Revisionary Authority being an order rejecting the stay application, this Court ought not to exercise its writ jurisdiction under Articles 226 and 227 of the Constitution of India.

13 Having heard the learned Senior Counsel for the parties, I have considered the rival contentions. In so far as the challenge in the above Writ Petition is concerned, it is required to be noted that the challenge is to the refusal of the Revisionary Authority to grant stay in the Revision Application filed by the Petitioners. The Revision Application filed by the Petitioners is against the order dated 1/4/2015 passed by the Divisional Joint Registrar, Kolhapur Division, Kolhapur under Section 85 of the said Act. By the said order the Divisional Joint Registrar had quantified the costs of the inquiry under Section 83 of the said Act at Rs.20,000/- and has made the Petitioners and 30 others liable to pay the said costs by apportioning the said costs between them in the sum of Rs.425/- and Rs.426/- as the case may be.

14 At this stage it would be apposite to refer to Section 83(1), (2), Section 85 as also Section 88(1) of the said Act which for the sake of ready reference are reproduced herein under (excerpts) :-

“83. *Inquiry by Registrar :-*

(1) The Registrar may suo motu, or, on the application of the one-fifth members of the society or on the basis of Special Report under the third proviso to sub-section (5B) of section 81, himself or by a person duly authorized by him in writing in this behalf, shall hold an inquiry into the constitution, working and financial conditions of the society.

(2) Before holding any such inquiry on an application , the registrar may [having regard to the nature of allegations and the inquiry involved, require the applicant to deposit with him such sum of money as he may determine], towards the cost of the inquiry. If the allegations made in the applications are substantially proved at the inquiry, the deposit shall be refunded to the applicant, and the Registrar may under section 85, after following the procedure laid down in that section, direct from whom and to what extent the costs of the enquiry should be recovered. If it is proved that the allegations were false, vexatious or malicious, the Registrar may likewise direct that such cost shall be recovered from the applicant. Where the result of the inquiry shows that the allegations were not false, vexatious or malicious, but could not be proved, such cost may be borne by the State Government

(3)

(4)

(5)

“85 *Costs of inquiry and inspection*

(1) Where an inquiry is held under section 83 or an inspection is made, under the last preceding section,

the Registrar may apportion the costs, or such part of the costs, as he may think just between the society, the members or inspection creditors demanding the inquiry or inspection, the officers or former officers and the members or past members or the estates of the deceased members of the society [and pass such order within a period of six months from, the date of submission of inquiry report]

Provided that—

(a) no order of apportionment of the costs shall be made under this section unless the society or persons, or the legal representative of the deceased person liable to pay the costs thereunder has or have been heard, or has or have had a reasonable opportunity of being heard ;

(b) the Registrar shall state in writing the grounds on which the costs are apportioned.

(2) No expenditure from the funds of a society shall be incurred, for the purpose of defraying any costs in support of any appeal preferred by any person other than the society against an order made under the foregoing sub-section.

88. Power of Registrar to assess damages against delinquent promoters etc.

(1) Where, in the course of or as a result of an audit under section 81 or Registrar on an inquiry under section 83 or an inspection under section 84 or the winding up of a society, the Registrar is satisfied on the basis of the report made by the auditor or the person authorised to make inquiry under section 83 or the person authorised to inspect the books under section 84 or the Liquidator under section 105 or otherwise that any person who has taken any part in the organisation or management of the society or any deceased, or past or present officer of the society has, within a period of five years prior to [the date of commencement of such audit or date of order for inquiry inspection or] winding up, misapplied or retained, or become liable or

accountable for, any money or property of the society, or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar or a person authorised by him in that behalf may frame charges against such person or persons, and after giving a reasonable opportunity to the person concerned and in the case of a deceased person to his representative who inherits his estate, to answer the charge, make an order requiring him to repay or restore the money or property or any part thereof, with interest at such rate as the Registrar or the person authorised under this section may determine, or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retention, misfeasance or breach of trust, as he may determine.

- (2)
 (3)”

In terms of Section 83(1) of the said Act the Registrar may *suo motu* or on the application of the one-fifth members of the society or on the basis of Special Report may direct an inquiry to be held into the constitution, working and financial conditions of the society. Sub-section (2) of Section 83 of the said Act discloses the manner in which the costs for inquiry have to be asked to be deposited and recovered. In so far as Section 85 of the said Act is concerned, by the said provision power is conferred on the Registrar to apportion the costs of the inquiry or such part of the costs as he may think just between the society, the members or creditors demanding the inquiry or inspection, the officers or former officers and the members or past members or the estates of the deceased members of the society. The aforesaid provisions therefore relate as to how the cost of the inquiry is to be provided for prior to commencement of

an inquiry and how the cost is to be recovered after completion of the inquiry. A reading of Section 88 discloses that that the power under Section 88 of the said Act to finalize the liability can be exercised by the Registrar after a report under Section 83 is received by him. The report under Section 83 is therefore in the nature of a fact finding report and recommendatory in nature, pursuant to which the Registrar has to initiate action under Section 88 if he is of the opinion that such an action is warranted. There is an elaborate procedure prescribed under Section 88 before the liability can be fixed.

15 However, in so far as the present matter is concerned, the defining Section is Section 73CA of the said Act. The said provision is reproduced herein under :-

“73CA : Disqualification of committee and its members :-

(A1)

(1) Without prejudice to the other provisions of this Act or the rules made thereunder in relation to the disqualification of being member of a committee, no person shall be eligible for being appointed, nominated, elected, co-opted, or, for being a member committee, if he ----

(i)

(ii)

(iii) has been held responsible under section 79 or 88 or has been held responsible for payment of costs of inquiry under section 85; or

(iv)

- (v)
- (vi)
- (vii)
- (2)
- (3)
- (4)”

The said Section postulates the disqualifications which are applicable in the matter of contesting the elections to the committee or its members. Sub-section (1) of Section 73CA posits that no person shall be eligible for being appointed, nominated elected, co-opted or for being a member of a committee if he, in the instant case we are concerned with clause (iii) which states that, has been held responsible under Section 79 or 88 or has been held responsible for payment of costs of inquiry under Section 85. Hence in the context of the Petitioners, the said clause (iii) of sub-section (1) of Section 73CA of the said Act assumes importance. It is required to be noted that the election program for elections to the Respondent No.1-Bank is on going and hence it is in the said context that the order passed under Section 85 of the said Act assumes importance having regard to it being a disqualification prescribed under Section 73CA(1)(iii) of the said Act. The refusal of stay therefore assumes importance in the said context, as it is the contention of the learned Senior Counsel appearing for the Petitioners that the application for stay has been rejected, in view of the fact that the consequence of the same would be that the provisions of Section 73CA(1)(iii) would be attracted and the Petitioners would be ousted from the contest in so far as the elections to the Respondent

No.1-Bank are concerned. It is required to be borne in mind that the Divisional Joint Registrar whilst apportioning the costs of Rs.20,000/- amongst the Petitioner and 30 others has relied upon the inquiry report submitted under Section 83 of the said Act. Significantly Section 83 of the said Act does not find a place in any of the disqualifications which have been mentioned in Section 73CA(1) of the said Act. However, since Section 85 of the said Act appears in Section 73CA(1)(iii) that the adjudication of the proceeding under Section 85 has assumed importance. The fact that the application for stay and the scrutiny of the nominations being in close proximity cannot be lost sight of . As stated herein above though there can be an indictment under Section 83 of the said Act, the liability for the losses caused to the concerned co-operative society only crystallizes after an order is passed under Section 88 of the said Act by which order the liability is fixed on the office bearers of the concerned society or its officers. In the instant case, the matter is not proceeded beyond the report under Section 83 of the said Act as there is no order passed under Section 88 in fact there is no appointment made of any officer for the proceeding under Section 88 of the said Act.

16 It is an undisputed position that the Petitioners have filed the Revision Application against the report dated 20/11/2014 submitted under Section 83 of the said Act. It seems that the challenge to the said report is on the ground that the inquiry was proceeded *ex-parte* and that the Petitioners

were not given an opportunity and that there is violation of principles of natural justice. Be that as it may, the fact that the Revision Application filed by the Petitioners against the inquiry report is pending is not disputed. However, it is contended that the said Revision Application has not been moved. Assuming that the Revision Application has not been moved, it is always open for the authority before whom it is to place the Revision Application for hearing and decide the same in accordance with law. Since the Revision Application has as yet not been disposed of, the challenge to the report under Section 83 of the said Act cannot be said to be concluded. However in so far as the order under Section 85 is concerned, since the present Revision Application filed by the Petitioners under Section 154 of the said Act is a substantive proceeding against the said order dated 1/4/2015, in my view, the Revisionary Authority has erred in not granting stay by merely relying upon the report under Section 83 of the said Act and thereby has not exercised the jurisdiction vested in it. The fate of the Petitioners is therefore decided though their Revision Application is pending. In so far as *Arun Narake & ors's* case (supra) is concerned, the Petitioners in the said batch of Petitions had by way of an Appeal challenged the order passed under Section 88 of the said Act. In the said Appeal, applications for stay were filed. The Appellate Authority had refused to grant stay though had issued various directions. In the said case the election program of the Kolhapur District Central Co-op. Bank Ltd was on the anvil. A learned Single Judge of this Court granted stay of the order passed

under Section 88 of the said Act. In the instant case, as indicated herein above, the proceedings under Section 88 of the said Act have not even been commenced. In my view, therefore, the interference of this Court under Article 227 of the Constitution of India is warranted. The impugned order dated 9/4/2015 is therefore required to be quashed and set aside and is accordingly quashed and set aside in so far as the Petitioners are concerned. The application for stay filed by the Petitioner in the Revision Application would stand allowed. Resultantly, the order dated 1/4/2015 passed by the Divisional Joint Registrar under Section 85 of the said Act would stand stayed pending the hearing and final disposal of the said Revision Application. The said Revision Application may be disposed of by the Revisionary Authority expeditiously. The above Writ Petition is allowed to the aforesaid extent. Rule is accordingly made absolute with parties to bear their respective costs of the Petition.

17 At this stage, the learned AGP Shri C P Yadav appearing for the State/Respondents prays for stay of the instant order. In the facts and circumstances of the present case, the said prayer is rejected. The learned AGP to inform the developments in the above Petition including this order to all the concerned officers.

[R.M.SAVANT, J]