IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1655 OF 2015

IN

WRIT PETITION NO.1980 OF 2005

Channa Sanyukta Sheti Sahakari Sanstha
Ltd. Umadi, through Chairman Shri. C. R. Horti .. Applicant/
Org. Resp No.1.

IN THE MATTER BETWEEN

Smt. Awamma Nagappa Horti
(Since deceased through legal heirs)
Shri. Pravin Nagappa Horti .. Petitioner

Versus

Channa Sanyukta Sheti Sahakari Sanstha
Ltd. Umadi, through Chairman Shri. C. R. Horti
and others .. Respondents

Ms. Manjiri Parasnis, for the Applicant/original Respondent No.1.
Shri. U. R. Mankapure, for the Respondents/original Petitioner.

CORAM : R.M. SAVANT, J.
DATE : 21st JULY, 2015

P.C.

1. The above Civil Application has been filed for the following reliefs :-

> "Pending hearing and final disposal of the present Writ Petition, this Hon'ble Court may be pleased to restrain the Respondent No.1 or their heirs, legal representatives or any person claiming through or under them by an Order of injunction from creating an obstruction to the Applicant Society from cultivating the agricultural land or creating a nuisance over or obstructing or disturbing the continuous and peaceful possession of the Applicant over the agricultural land bearing Gat Nos.236/5B, 237/5B and 238/4B, admeasuring 5 H 90 R, situate at Village Umadi, Taluka Jath, District Sangli;"

2. The Applicant herein is the original Respondent to the above Petition. The above Petition has been admitted and is pending hearing and final disposal. The Applicant/Respondent No.1 is a society comprising of members who are involved in co-operative farming. The original Petitioner was one such member who had leased out the land to the Respondent No.1 society in terms of the pre-condition that was required to be fulfilled for being a member of the Respondent No.1 society. It is the case of the original Petitioner that the said lease was for a period of five years since 1969 and that he has resigned from the membership of the Respondent No.1 society. However, the Respondent No.1 society has communicated to the original Petitioner that unless he pays the amount which the society incurred in carrying out improvement in the land, the land would not be returned to the original Petitioner. The Assistant Registrar has allowed the application filed by the Petitioner for resigning from the Respondent No.1 society and has directed the original Petitioner to pay the amount which is

mentioned in his order. However, the said order was challenged by the Applicant/original Respondent No.1 by way of an Appeal before the Divisional Joint Registrar who set aside the order passed by the Assistant Registrar. The said order passed by the Appellate Authority was challenged in Revision by the original Petitioner before the State Government. The State Government however dismissed the Revision Application filed by the Petitioner that is how the above Petition came to be filed which is as indicated above is pending hearing and final disposal. Though it is the case of the Petitioner that the lease was for a period of five years, thereafter he has contended that the said lease was up to the year 1993. Be that as it may, the bone of contention that is the land in question is leased out for co-operative farming. In my view, therefore, it would be just and proper to allow the Civil Application in terms of prayer clause (A) subject to the restrictions which have been imposed by the order passed by the Co-operative Appellate Court thereby restraining the Respondent No.1 from dealing with the property in question in the matter of creating third party rights. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]