

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

WRIT PETITION NO.6114 OF 2015

Shri. Namdev Gundappa Waghmare and others .. Petitioners

Versus

**The Ld. Minister for Co-operation,
Mantralaya Mumbai and others .. Respondents**

Ms. Rupali M. Shinde, for the Petitioners.

Mr. Umesh J. Desai, for the Respondent No.3.

Ms. M. S. Bane, "B" Counsel for the Respondent Nos.1, 2, 4 & 5.

CORAM : R.M. SAVANT, J.

DATE : 13th JULY, 2015

PC.

1. The order dated 03.06.2015 passed by the Revisionary Authority i.e. Hon'ble Minister for Co-operation Marketing and Textiles, Government of Maharashtra vacating the stay granted by the Appellate Authority is taken exception to by way of the above Petition.

2. An order under Section 78(A)(1) of the Maharashtra Co-operative Societies Act came to be passed against the Petitioners who are the members of the managing committee of the society in question being Mahapalika Laghuvetan Employees Co-operative Housing Society Ltd. The

said order under Section 78(A)(1) came to be challenged by the Petitioners by way of an Appeal before the Divisional Joint Registrar, Mumbai. The Divisional Joint Registrar by his order dated 22.01.2015 granted stay of the order passed under Section 78(A)(1). The said order was taken exception to by the Respondent No.3 herein by filing a Revision Application before the State Government under Section 154 of the MCS Act. The Revisionary Authority i.e. the Hon'ble Minister for Co-operation Government of Maharashtra by the impugned order dated 03.06.2015 has vacated the stay for the reasons mentioned in the penultimate paragraph of the impugned order. The stay has been vacated on the ground that the Appellate Authority has not considered the relevant material which was required to be considered whilst considering the application for stay. The Revisionary Authority has adverted to the offence registered against the Petitioners as also the pending case relating to the M-20 bonds in the Criminal Court. This Court does not deem it appropriate to express anything on the said aspect lest the Petitioners are prejudiced in the pending Appeal before the Divisional Joint Registrar. In my view, therefore, no case for interference in the Writ Jurisdiction of this Court is made out. Since the hearing of the Appeal is already expedited, the Appellate Authority is directed to hear and decide the Appeal within the time frame mentioned in the impugned order dated 03.06.2015. Needless

to state that the Appeal would be decided on its own merits and in accordance with law. With the aforesaid directions, the Writ Petition is dismissed.

[R.M. SAVANT, J]