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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10017 OF 2015

Rajendra Laxman Pol & Ors.

...Petitioners

V/s.

Deputy Registrar of Co-operative
Societies, Kolhapur City,
Kolhapur & Ors.

...Respondents

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Mr. P. D. Dalvi a/w Tushar L. Pimple for the Petitioners.

Mr. S. D. Rayarikar, AGP, for the Respondent-State.

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CORAM : A. K. MENON, J.

DATE : 12TH OCTOBER, 2015.

PC.:

This Petition seeks limited relief of setting aside of an impugned order dated 24th September, 2015 passed by the Deputy Registrar, Co-operative Societies, Kolhapur City, Kolhapur, whereby the said authority appointing an administrator in respect of the petitioner no.10. It is a grievance of the petitioner that although an Appeal against the said order has been filed before the Divisional Joint Registrar, Kolhapur and before whom the Appeal was listed on 5th October, 2015 the authority merely issued the notices to the persons concerned and the matter came to be adjourned to the following date:

On 6th October, 2015 the representative of the Deputy Registrar, Kolhapur City requested time to file the say on the say application. The applicants advocate made submissions in support of the the stay application. However, the matter was adjourned to 14th October, 2015.

2] The learned counsel for the petitioners points out that even earlier on account of the undue haste shown by the respondents the petitioners were forced to approach this Court and file Writ Petition No.9133 of 2015 which came to be disposed of on 11th September, 2015 directing that any order that may be passed on the show cause notice dated on 5th September, 2015 shall be served on the petitioners and if the order is adverse the same will not be implemented for a period of two weeks from date of service of the order. That Petition came to be disposed of. The impugned order is therefore consequent to the aforesaid order dated 11th September, 2015. The order was served upon the petitioners on 1st October, 2015 and therefore a period of two weeks expired on 14th October, 2015. The learned counsel for the petitioners therefore has sought relief in the present Petition and submitted that stay prayed for ought to have been granted.

3] Mr. Rayarikar for respondent nos.1 to 4 states on instructions

that the stay application will be heard and disposed of on 14th October, 2015, however, the learned counsel for the petitioners expresses serious apprehension that in the event, the stay application is rejected or the Appeal decided against the petitioner, serious consequences will follow inasmuch as that the original order appointing Administrator dated 24th September, 2015 would come into effect forthwith.

4] In the circumstances, the present Petition can be conveniently disposed of by directing the respondent no.2 to hear the stay application at the earliest if not on 14th October, 2015 within reasonable time and but not later than 31st October, 2015. In the meantime, if on disposal of the stay application the order is adverse to the petitioners, the same shall not be acted upon for a further period of three weeks i.e. upto 21st November, 2015. In the circumstances, I pass the following order:-

- i) The petition is accordingly disposed of.
- ii) Respondent no.2 to hear the stay application at the earliest if not on 14th October, 2015 within reasonable time and but not later than 31st October, 2015.
- iii) In the meantime, the impugned order dated 24th September, 2015 shall not be acted upon.
- iv) If the order passed by respondent no.2 is adverse to the petitioner,

the same shall not be acted upon till 21st November, 2015.

- v) There will be no orders as to costs.

(A. K. MENON, J.)

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