

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 1193 OF 2014**

Mr. Williams Mascarenhas

....Petitioner.

Vs.

The Hon'ble Minister for

Co-operative Societies & ors.

....Respondents.

Ms. Anita Bhaktwani for the Petitioner.

Mr. S.D. Rayrikar, AGP for Respondent Nos. 1 to 4.

Mr. Ashok T. Gade for Respondent Nos. 6,7 and 9 to 12.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 5 MARCH 2015.

P.C:-

The Society's election is declared by the Competent Authority-Election Officer. The Election process is in progress. Therefore, issue with regard to the appointment of the Administrator under Section 78 of the Maharashtra Co-operative Societies Act, 1960 (for short, the MCS Act) and the challenge so raised by the Petitioners to the reversal order, whereby the Revisional Authority has set aside Section 78 order in favour of the Society, in my view, there is no point in keeping this Petition pending here, basically at the instance of the Petitioner-Member of the Society, whose dispute with regard to the Society dues and demand is pending before the Co-operative Court.

2 The observations, even if any, made by the Minister while deciding the Revision in order dated 30 October 2013 referring to the stated defaults of the Petitioner, in my view, is also need to be kept open, as the competent Court to decide the same in accordance with law. The observations, therefore, so made by the Minister against the Petitioners referring to the default part, may not be read and referred as binding precedent to decide the issue so raised by the Petitioner. The Court to decide the dispute of Petitioner referring to default by the observations even if any made even in order dated 30 October 2013.

3 Therefore, by keeping all points open, the present Petition is disposed of. There shall be no order as to costs.

(ANOOP V. MOHTA, J.)