

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2968 OF 2015**

Navdurga SRA Co-operative Housing Society Ltd.	... Petitioners
v/s	
State of Maharashtra and others	... Respondents

Mr Mayur Joshi i/b M/s Joshi Legal Associates for Petitioners.
Mr Umashankar Upadhyay, AGP for Respondents.

**CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA JJ.**

DATE : 20TH OCTOBER 2015

P.C. :-

1. By this Petition, the Petitioners are seeking a very limited relief.
2. The Writ Petition is taken up for final disposal at this stage itself.
3. WE are not concerned with how the Officers exercising powers under different statutes proceeded to sanction and implement the slum rehabilitation scheme on a plot of land,

particularly described in the Writ Petition. We are concerned here with the Co-operative Housing Society. The Co-operative Housing Society has been registered and because it comprises of the slum dwellers occupying the structures on the land that the Slum Rehabilitation Authority came to be designated as the Competent Authority under the Maharashtra Co-operative Societies Act 1960 to take into consideration the request / application for registration and thereafter the said Act would apply.

4. It is also evident that by virtue of the orders passed and the legal provisions, the power, Authority, jurisdiction vesting in the Authority notified by the Maharashtra Co-operative Societies Act 1960 vests in the Slum Rehabilitation Authority and such Officers working with the said SRA can initiate the proceedings under sections 78 and 78A of the Maharashtra Co-operative Societies Act 1960. An order dated 9th September 2015 was passed superseding the Managing Committee and appointing an Authorised Official / Administrator of the affairs of the Society.

5. Against this order, the Petitioners have approached the Appellate Authority invoking provisions of section 152 of the said

Act and that Appeal is stated to be pending.

6. Since the Petitioners have been served with the communication, that the Administrator will take charge of the affairs of the Petitioner – Society forcibly, which is issued on 5th October 2015 that they approached the Appellate Authority with an application for interim stay / relief.

7. Neither the main Appeal nor the Application for stay have been heard. Apprehending that the Appeal would become infructuous that this Petition has been filed.

8. In the Writ Petition, there is an averment that the appellate Authority viz. the Minister for State in the Department of Cooperation and Textiles, Government of Maharashtra is not available till January 2016. Therefore, the Appeal or the Application itself may not be taken up.

9. We requested Mr Upadhyay, learned Additional Government Pleader for Respondent – State to take instructions and it is stated that the concerned Minister is not available and would be available only in January 2016.

10. We do not countenance such state of affairs. Even if the

Appellate Authority is a Minister of State in the Government of Maharashtra, does not mean that urgent matters are kept on hold for of his or her non-availability. If quasi-judicial powers are vested in the Ministers to decide matters which are as serious as Appeals, then, they have to find time to perform such duties.

11. In the facts peculiar to this case and looking to the urgency, we direct that the Application for Stay filed by the Petitioners shall be taken up by the Secretary in the Department of Cooperation and Textiles, Government of Maharashtra who shall, after hearing both sides, pass a reasoned order thereon as expeditiously as possible and on or before 30th October 2015. The Petitioners shall appear before the said Secretary on 23rd October 2015 at 10.30 a.m. All contentions of both sides are kept open. Writ Petition is disposed off.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)