

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 WRIT PETITION NO. 11774 OF 2015
WITH WP/11775/2015 WITH WP/11776/2015

SHAMAPRASAD PANNALAL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHERS

Shri. Sandeep Mundhe, Advocate, holding for Shri. S.S. Gangakhedkar, Advocate, for petitioners.

Shri. B.A. Shinde, Assistant Government Pleader, for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 22 DECEMBER 2016

ORDER:

1) Heard learned counsel for the petitioners. Learned Assistant Government Pleader submitted that in view of the fact that the order is made by the District Deputy Registrar, Cooperative Societies, though under section 107 of the Maharashtra Cooperative Societies Act 1960, revision against that order can be filed under section 154 of the said Act before the Divisional Joint Registrar, who works as Registrar for the present purpose. He submitted that due to this reason no order can be passed.

2) Learned counsel for the petitioners placed reliance on some observation made by this Court in the case reported as **2011 (5) Bom.C.R. 619 (Narayan Arjunji Vighne v. State of Maharashtra)**. The observations are with regard to the procedure which needs to be followed under section 107 of the Act. It appears that it is observed that as a matter of course such permission needs to be granted. It appears that present petitioners have some record to show that they were treated as members of the cooperative housing society. But unfortunately the District Deputy Registrar has not given permission by giving excuse that the record is not handed to the Liquidator. This point, however, can be considered by the Divisional Joint Registrar in revision. In view of these circumstances, all the three petitions are dismissed as not tenable with liberty to file revisions before the Divisional Joint Registrar. If revisions are filed with delay condonation application, the revisions are to be disposed of within three months from the date of filing.

Sd/-
(T.V. NALAWADE, J.)

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