

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11674 OF 2016

Mr. Vijaykumar Goyal & Ors.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Vishwajeet Sawant, with Ms. Shruti Jain, i/b Dhananjay Sharad Mahamuni, for the Petitioners.

Mrs. Kirti Kulkarni, AGP, for Respondent No. 1.

Mr. V. Manandiar, i/b M/s. Manandiar & Co., for Respondent No. 5.

CORAM : K.K. TATED, J.

DATE : 7th October 2016

P.C. :

1. Not on board. At the request of Advocate for the Petitioners, matter is taken on board for urgent orders.

2. Heard the learned Counsel for the parties. By this Petition under Article 227 of the Constitution of India the Petitioners challenge the order dated 1st September 2016 passed by the Assistant Registrar, Co-operative Society, under Section 77A(1-A)(B-

1) appointing Mr. Dinesh Devdhare and Respondent No. 5 as the Incharge of the Society.

3 . The learned Counsel for the Petitioners submits that in the present proceedings though M.P. Ramdas Athawale is neither party and/or member of the Society, written a letter dated 10th July 2016 to the Registrar. He further submits that though the Petitioners filed an Appeal on 17th September 2016 before the Divisional Joint Registrar and preferred an Application for stay, the Divisional Joint Registrar has not passed any order and the matter is adjourned to 10th October 2016.

4 . Considering the fact that the Appeal is pending before the Divisional Joint Registrar along with the stay Application by consent of the Petitioners and Respondent No. 5, following order is passed:-

- 1) The Divisional Joint Registrar, Cooperative Societies, Mumbai is directed to decide the Petitioners' Appeal No. 387 of 2016 on or before November 2016.
- 2) Till the decision of the Appeal No. 387 of 2016, operation and implementation of the order dated 1st September 2016 passed under Section 77A(1-A)(B-

- 1) is stayed.
- 3) It is made clear that if any construction activities done by the Petitioners during this period that will be at the cost and consequences of the Petitioners' only.
- 4) With these observations, the Writ Petition stands disposed of.
- 5) Parties to act on an authenticated copy of this order.

[K.K. TATED, J.]