

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.31654 OF 2016

Rehman Co-operative Housing Society Ltd. : Petitioner.
versus
The Hon'ble Minister for
Co-operative Societies
State of Maharashtra and ors. : Respondents.

Mr. S S Patwardhan i/by Mr. Chetan G Patil for the Petitioner.
Mr. Siddheshwar Kalel, AGP, for the Respondent Nos.1 to 3.
Mr. Tejas Dande for the Respondent No.4 to 7

CORAM : R. M. SAVANT, J.
DATE : 06th December 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 10/11/2016 passed by the Revisionary Authority i.e. the Hon'ble Minister for Co-operative Societies, Government of Maharashtra by which order the Revision Application filed by the Respondent Nos.4 to 7 came to be allowed and resultantly the letter dated 27/07/2016 issued by the Assistant Registrar of Co-operative Societies, E Ward, Mumbai came to be set aside.

2 The principal ground on which the impugned order dated 10/11/2016 is challenged is the ground as regards the maintainability of the Revision Application before the State Government. It was sought to be urged on behalf of the Petitioner that without deciding the maintainability the Revisionary Authority has considered the Revision Application on merits.

3 After the above Petition was argued for sometime, the learned counsel appearing on behalf of the Respondent Nos.4 to 7 i.e. the proponents of the Revision Application Shri Tejas Dande, on instructions, would submit that the Respondent Nos.4 to 7 would withdraw the Revision Application with liberty to file appropriate proceedings in the Co-operative Court, Mumbai.

4 In view of the afore-stated statement made by the learned counsel for the Respondent Nos.1 to 4 Shri Tejas Dande, it is not necessary to consider the impugned order on merits. The impugned order would accordingly stand set aside. The Respondent Nos.4 to 7 would be at liberty to file appropriate proceedings in the Co-operative Court, Mumbai to challenge the said letter dated 27/07/2016 and the Resolution passed by the Petitioner Society in the Special General Body Meeting dated 17/07/2016 if so advised. Needless to state that if any such proceedings are filed, the same would be considered on their own merits and in accordance with law uninfluenced by the fact that the Respondent Nos.4 to 7 herein have withdrawn the Revision Application.

5 The learned counsel appearing for the Petitioner Society Shri S S Patwardhan states that in so far as the re-development is concerned, the plans are awaiting sanction of the Municipal Corporation for Greater Mumbai. The said plans may be processed with but the Petitioner Society not to take any

steps for demolition of the existing 3 structures or eviction of the occupants of the flats in question for a period of four weeks from date. The aforesaid directions should not be construed by the Co-operative Court as any expression of opinion of this Court on the merits of the matter.

6 With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]