

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1796 OF 2016

Mr.Nayani Nuralla Nasruddin & Ors.	...Petitioners
vs.	
Assistant Registrar of Co-op. Societies & Ors.	Respondents

Mr.G.S. Godbole with Ms.M.B. Gawde I/b. Y.E. Mooman for Petitioners.
Mr.Abhinav Chandrachud I/b. Sushant Chavan for Respondent No.8.

CORAM : S.C. GUPTE, J.

12 JULY 2016

P.C. :

Heard learned Counsel for the parties.

2 The petition challenges an order passed by the Assistant Registrar of Co-operative Societies under Section 77A(1)(b-1) appointing a committee of management. Since there is an appellate remedy available to the Petitioners under Section 152 of the Maharashtra Co-operative Societies Act and since an earlier order appointing an Administrator of the society is already in appeal before the Joint Registrar of Co-operative Societies, who is also an appellate forum even for challenging an order passed under Section 77A, the Petitioner seeks leave to withdraw the petition with liberty to file an appeal under Section 152 on the same grounds before the Appellate Authority, namely, the Additional Joint Registrar, Co-operative Societies, Mumbai Division.

3 The petition is dismissed accordingly as withdrawn with liberty as prayed.

4 It is directed that for a period of ten days from today, i.e. upto 22 July 2016, the impugned order of the Assistant Registrar, Co-operative Societies shall not be implemented. It is made clear that the Appellate Authority shall

consider the merits of the appeal, as and when the same is filed, and also the question of continuation of the interim relief without being influenced by this order. All rights and contentions of both parties on merits are expressly kept open.

5 The Assistant Registrar, Co-operative Societies – Respondent No.1 herein – is directed to give inspection of all files pertaining to the record of the society maintained by Respondent No.1 and also furnish certified copies of such record, as may be requested by the Petitioners, on payment of applicable fees.

(S.C. Gupte, J.)