

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2281 OF 2017**

Prashant Madhukar Pawar and others ..Petitioners
Versus
The Divisional Joint Registrar and another ..Respondents

**ALONGWITH
WRIT PETITION NO.2282 OF 2017**

Santosh Shahaji Gaikwad and others ..Petitioners
Versus
The Divisional Joint Registrar and another ..Respondents

**ALONGWITH
WRIT PETITION NO.2283 OF 2017**

Bhosale Netaji Dadasaheb and others ..Petitioners
Versus
The Divisional Joint Registrar and another ..Respondents

**Mr. G. S. Godbole a/w Mrs. Jai Kanade i/by Ms. Shivani S. Samel for
the Petitioners.**
**Mr. A. Y. Sakhare, Senior Advocate a/w Mrs. V. S. Nimbalkar, AGP for
the Respondent Nos.1 & 2.**
Mr. A. B. Tajane for the Respondent No.3.

**ALONGWITH
WRIT PETITION NO.2284 OF 2017**

Balkrishna Vitthal Patil and others ..Petitioners
Versus
The Divisional Joint Registrar and another ..Respondents

**ALONGWITH
WRIT PETITION NO.2285 OF 2017**

Dattatraya Jagannath Gund and others ..Petitioners
Versus
The Divisional Joint Registrar and another ..Respondents

**ALONGWITH
WRIT PETITION NO.2339 OF 2017**

Hari Digambar Bachute and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

Mr. G. S. Godbole a/w Mrs. Jai Kanade i/by Ms. Ulka Saranjame for the Petitioners.
Mr. A. Y. Sakhare, Senior Advocate a/w Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 & 2.
Mr. A. B. Tajane for the Respondent No.3.

**ALONGWITH
WRIT PETITION NO.2354 OF 2017**

Dnyaneshwar Babruvan Shirsat and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

**ALONGWITH
WRIT PETITION NO.2353 OF 2017**

Shrikant Bharat Bandgar and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

**ALONGWITH
WRIT PETITION NO.2355 OF 2017**

Shrirang Subhash Pawar and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

Mr. G. S. Godbole a/w Mrs. Jai Kanade i/by Mr. A. A. Dandekar for the Petitioners.
Mr. A. Y. Sakhare, Senior Advocate a/w Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 & 2.
Mr. A. B. Tajane for the Respondent No.3.

**ALONGWITH
WRIT PETITION NO.2365 OF 2017**

Nagnath Vasant Vankar and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

**ALONGWITH
WRIT PETITION NO.2360 OF 2017**

Chandrabhas Maruti Pawar and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

**ALONGWITH
WRIT PETITION NO.2361 OF 2017**

Ganpat Shankar Nikam and others	..Petitioners
Versus	
The Divisional Joint Registrar and another	..Respondents

Mr. G. S. Godbole a/w Mrs. Jai Kanade i/by Mr. Akshay Petkar for the Petitioners.

Mr. A. Y. Sakhare, Senior Advocate a/w Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.1 & 2.

Mr. A. B. Tajane for the Respondent No.3.

**CORAM : R. M. SAVANT, J.
DATE : 1st MARCH, 2017**

PC.

1 The above Writ Petitions take exception to the orders dated 07.02.2017 passed by the Respondent No.1, by which order, the application for stay filed by the Petitioners in the Revision Applications filed by them before the Divisional Joint Registrar, Pune Division, Pune

came to be dismissed. The Petitions also challenge the orders dated 03.02.2017 passed by the Respondent No.1 thereby allowing the interim application filed by the Respondent No.3.

2 In so far as the orders dated 07.02.2017 passed by the Divisional Joint Registrar are concerned, it is recorded in the said order in the operative part especially in clause (2) thereof that the Revision Applications would be taken up for hearing on 08.03.2017. As indicated above, the Petitioners have approached this Court against rejection of their applications for interim stay by the impugned order. In view of the fact that the Revision Applications are to be taken up for hearing on 08.03.2017, it is not necessary to interdict with the said order in the above Petitions and it would be just and proper to direct the Revisionary Authority to decide the Revision Applications within a particular time frame.

3 In so far as the orders dated 03.02.2017 are concerned, by the said order the application filed by the Respondent No.3 herein for intervening came to be allowed by the Revisionary Authority. There is no dispute about the fact that the Respondent No.3 was not a party before the first authority i.e. the Assistant Registrar of Co-operative Societies, Solapur whilst he dealt with the matter. The intervention application was

filed by the Respondent No.3 before the Revisionary Authority. A reading of the said order dated 03.02.2017 discloses that the said order is a cryptic order sans any reasons as to why the Respondent No.3 is required or allowed to intervene in the proceedings filed by the Petitioners. The Learned Counsel for the Petitioners Mr. G. S. Godbole sought to question the intervening of the Respondent No.3 inter-alia on the ground that the Respondent No.3 is seeking to intervene in proceedings filed by the managing committee members of as many as 12 societies spread over different villages in Solapur District. It was also the submission of Mr. G. S. Godbole that the intervenor has sought to urge new grounds for disqualifying the Petitioners from being shown as members in the provisional list of members which would be prepared for elections to the APMC Solapur. It was also the submission of the Learned Counsel Mr. G. S. Godbole that the Respondent has founded his application on the fact that he has applied for de-registration of the 15 societies which include the 12 societies of which the Petitioners are members.

4 In my view, it is not necessary for this Court to delve into the said aspect in the above Petitions. Suffice it would be to state that the grounds urged by the Learned Counsel appearing for the Petitioners prima-facie impinge upon the entitlement of the Respondent No.3 to intervene in the proceedings filed by the Petitioners. This Court hopes

and trusts that the Revisionary Authority would consider the application for intervention appropriately in the light of the observations made in the instant order. Hence the following directions :-

- I) The impugned orders dated 07.02.2017 are not interfered with.
- II) The impugned order dated 03.02.2017 allowing the intervention of the Respondent No.3 is set aside and the matter is relegated back to the Revisionary Authority for a de-novo consideration of the intervention application filed by the Respondent No.3. The Petitioners would be entitled to file one common reply to the said intervention application especially in the light of the averments which have now been made in the affidavit filed by the Respondent No.3 in the above Petitions.
- III) On remand, the Revisionary Authority would consider the application for intervention as well as the Revision Application latest by 31.03.2017. The same to be done on its own merits and in accordance with law

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uninfluenced by the impugned orders dated
07.02.2017 as well as 03.02.2017.

IV) Needless to state that the contentions of the parties
are kept open for being urged before the Revisionary
Authority.

5 With the aforesaid directions, the Writ Petitions are disposed
of.

6 The parties to appear before the Revisionary Authority as per
the earlier schedule date i.e. on 08.03.2017.

[R.M.SAVANT, J]