

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

WRIT PETITION NO. 6786 OF 2017

The Golden Isle SRA Co-operative Housing Society Limited ..Vs..
The Divisional Joint Registrar & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. Vishwajeet Kapse a/w Upendra Mahadik
I/by. Fast Track Legal for Petitioner.

Mr. Himanshu Takke a/w Milind Mare for
Respondent No.1.

Mrs. Vaishali Nimbalkar, AGP for Respondent
No.3.

CORAM : K. K. TATED, J.

DATE : JUNE 22, 2017.

P.C. :

. Not on board. At the request of
learned Counsel for Petitioner, matter is taken
on board for urgent orders.

2. Heard learned Counsel for parties.

3. By this petition under Articles 226
and 227 of the Constitution of India,
Petitioner is challenging the order dated 27th
February, 2017 passed by Respondent No.1 –
Divisional Joint Registrar, Co-operative
Societies, SRA, Administrative Building,
Ground Floor, Anant Kanekar Marg, Bandra

East, Mumbai – 51 appointing Mr. Sunil Shinde as Authorised Officer under Section 77 (A) of the Maharashtra Co-operative Societies Act, 1960.

4. The learned Counsel Mr. Kapse for Petitioner submit that they challenged the said order before the learned Minister, State of Maharashtra being Appeal No. 407 of 2017 under Section 152 of the Maharashtra Co-operative Societies Act, 1960. They also preferred Application for stay of the order dated 10th April, 2017. He submit that the learned Minister heard stay application on 31st May, 2017 and reserved the order. In the meanwhile, the Authorised Officer threatening the Petitioner to take action as per impugned order dated 10th April, 2017. Hence, he moved before this Court for urgent orders.

5. The learned Counsel Mr. Takke appearing on behalf of Respondent No. 1 submit that the learned Minister passed the order dated 20th June, 2017 in Appeal No. 407 of 2015 and dismissed the same. He produced the photocopy of the said order. Same is taken on record and marked “X” for identification. He submit that in view of subsequent development, nothing is survived

in the present petition.

6. The learned Counsel for Petitioner submit that in view of subsequent development, Petitioner may be permitted to withdraw the present Writ Petition with liberty to file appropriate proceedings challenging the order dated 20th June, 2017 passed by the learned Minister under Section 152 of the said Act. To that effect he has given in writing. Same is taken on record and marked "X-1" for identification. Same is accepted.

7. The learned Counsel for Petitioner submit that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned order dated 10th April, 2017 passed by the Respondent No.1 - Divisional Joint Registrar, Co-operative Societies for two weeks to enable the Petitioner to file the appropriate proceedings.

8. Considering these facts, the following order is passed.

ORDER

(A) Writ Petition stand disposed of, as withdrawn.

(B) No order as to costs.

(C) Operation and implementation of the

order dated 10th April, 2017 passed by the Respondent No.1 - Divisional Joint Registrar Co-operative Societies, appointing Authorised Officer Mr. Sunil Shinde is stayed for two weeks from today.

(K.K.TATED, J.)