

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9371 OF 2017

Mr. Sharadchandra Shivram LokhandePetitioner
Vs.
The Divisional Joint Registrar,
Co-operative Societies, Pune and Ors.Respondents

Mr. Tejas P. Hartalkar i/b. S.S. Kanetkar for Petitioner
Mr. S.H. Kankal, AGP for Respondent Nos.1 and 4
Mr. Sarang Satish Aradhye for Respondent Nos. 2 and 3

CORAM: M.S.SANKLECHA, J.

DATE : 12TH OCTOBER, 2017.

P.C:-

. Not on Board. Upon mentioning, the petition is taken up for consideration on the production board.

2. This petition is filed under Articles 226 and 227 of the Constitution of India. The only relief which is pressed at this stage on behalf of the Petitioner is a direction to Respondent No.1 -Divisional Joint Registrar-Co-operative Societies, Pune to decide his stay application in the pending revision application. It is submitted that in view of the failure of Respondent No.1 to hear and dispose of the stay application / revision

application, Respondent No.2 Bank is seeking to enforce the order dated 16th May, 2016 passed by Respondent No.3 -Special Recovery Officer, Pune Cantonment Co-operative Bank Ltd..

3. Mr. Sarang Aradhye, learned counsel appearing for Respondent No.2 Bank states that its application challenging maintainability of the revision filed by the Petitioner is scheduled for hearing before the Divisional Joint Registrar on 30th October, 2017. On that date, the Divisional Joint Registrar is directed to consider the Petitioner's stay application in its revision application against the order dated 16th May, 2016 and pass appropriate orders thereon or if he feels appropriate Respondent No.1 can also decide the revision application finally on 30th October, 2017 when the Petitioner appears before Respondent No.1. The Petitioner states that he would be prepared to make the final submission on the revision application on that date. Respondent No.1 is requested to pass a speaking order on or before 15th November, 2017 consequent to the hearing on 30th October, 2017. Till Respondent No.1- Divisional Joint Registrar, Co-operative Societies passes an order on the hearing held on 30th October, 2017, Respondent No.2 Bank is restrained from acting upon the order dated 16th May, 2016 passed by the Special Recovery Officer.

4. Needless to state any action taken pursuant to the order dated 16th May, 2016 passed by the Special Recovery Officer is also stayed till the

disposal of the stay application in the revision or the revision application itself within the time provided hereinabove. Respondent No.2 is restrained from acting upon the order of Respondent No.1, Divisional Joint Registrar, for a period of one week after its receipt.

5. Writ petition is disposed of in the aforesaid terms. Parties to act on the copy of this order duly authenticated by the Associate.

(M. S. SANKLECHA,J.)