

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

WRIT PETITION BNO.10287 OF 2017

Santosh s/o Govind Nimbale and ors. : Petitioners
versus
The State of Maharashtra
Through its Principal Secretary
Department of Cooperation, Mantralaya
Mumbai – 32 and ors. : Respondents.

Mr. S B Talekar i/by Talekar & Associates for the Petitioners.
Mrs. R A Salunkhe AGP for the Respondent/State.

CORAM : R. M. SAVANT &
SARANG V KOTWAL, JJ.
DATE : 09th October 2017

P.C.

1 The order dated 03/01/1992 according approval to execute the lease deed in favour of the Respondent No.4 as also the order dated 17/20.03.1998 cancelling the registration and de-registering Ashok Sahakari Samudayik Shetki Sangh Maryadit, Talegaon Dhabade, Wadgaon, Maval District Pune are sought to be taken exception to by way of the above Writ Petition. The Petitioners were the members of the said Ashok Sahakari Samudayik Shetiki Sangh Maryadit, Talegaon.

2 Since the orders under challenge are dated 03/01/1992 and 17/20.03.1998, the delay in filing the above Petition is sought to be justified

on the ground that the said orders are actuated by fraud and are therefore a nullity. The said submission does not commend to us in so far as the delay is concerned. It is required to be noted that the Petitioners had filed a Civil Suit which came to be decreed on 29/02/2016 and the declaration in respect of the lease deed being null and void came to be granted to the Plaintiffs i.e. the Petitioners herein. Having regard to the said fact and considering that the said orders are almost 25 years old, we do not deem it appropriate to entertain the above Writ Petition. The above Writ Petition is accordingly dismissed on the said ground. However, we do not express any opinion as regards any other remedy which the Petitioners may have in law.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]