

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 13666 OF 2017****Anil Hamirwasia & Anr.****..... Petitioners****VERSUS****The Divisional Joint Registrar of
Co-operative Societies & Ors.****..... Respondents**

Mr.Anil Hamirwasia Petitioner present in person.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 1, 2 and 4.

CORAM : R.D.DHANUKA, J.**DATE : 21st DECEMBER, 2017****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 5th August,2017 passed by the learned Deputy Registrar and order dated 11th October,2017 passed by the learned Joint Registrar in Application No.0405 of 2017.

2. Insofar as order dated 11th October,2017 passed by the Divisional Joint Registrar in Appeal No.179 of 2017 is concerned, the learned Divisional Joint Registrar by the said order has partly allowed the said appeal filed by the petitioners and has set aside the order dated 28th August,2017 passed by the Deputy Registrar, Co-operative Societies under sections 77(A)(1)(b-1) of the Maharashtra Co-operative Societies Act, 1960 and has remanded the matter back to the Deputy Registrar Co-operative Societies, K/W Ward, Mumbai for fresh consideration and

the decision to be taken on the merits and in accordance with law. The said order was already communicated by the petitioner to the Deputy Registrar, Co-operative Societies for compliance. The petitioner thus cannot impugn the said order passed by the Divisional Joint Registrar which is decided in favour of the petitioner and having allowed the appeal filed by the petitioner. The Divisional Joint Registrar is however directed to dispose of the said matter on remand within 30 days from the date of communication of this order if not so decided till date without fail after giving an opportunity to the petitioner and the concerned parties and shall decide the same in accordance with law.

3. Insofar as the order dated 11th October,2017 passed by the Divisional Joint Registrar thereby rejecting the stay application filed by the petitioners is concerned, the main matter itself has been kept by the learned Officer for hearing. If the said matter is not decided, the same shall be decided within 30 days from the date of receipt of the copy of this order. It is made clear that the learned Divisional Joint Registrar shall decide the matter in accordance with law and without being influenced by the observations made by the learned Divisional Joint Registrar in the impugned order dated 11th October,2017.

4. The parties as well as the learned concerned officers to act on the authenticated copy of this order.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)