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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.2562 OF 2018
WITH
WRIT PETITION (STAMP) NO.2563 OF 2018

Vinod K. Nevatia & Ors. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION (STAMP) NO.2823 OF 2018

Anko Granites Pvt. Ltd. & Anr. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Pradeep J. Thorat for the Petitioners.

Mr.Prasad S.Dani, Senior Counsel with Ms.Mamta Sadh, Ms.Anuja Jhunjunwala and Mr.Avdhoot Prabhu i/b Naik Naik & Co. for the Respondent No.4 in W.P.(St.) No.2562 of 2018.

Ms.Mamta Sadh, Ms.Anuja Jhunjunwala and Mr.Avdhoot Prabhu i/b Naik Naik & Co. for the Respondent No.4 in W.P.(St.) No.2563 of 2018.

Ms.Mamta Sadh, Ms.Anuja Jhunjunwala and Mr.Avdhoot Prabhu i/b Naik Naik & Co. for the Respondent No.4 in W.P.(St.) No.2823 of 2018.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA, J.
DATE : 3RD MAY, 2018.

P.C. :-

1. By these petitions filed under Article 227 of the

Constitution of India, the petitioners have impugned the orders of stay granted by the learned Minister on 13th November, 2017 in Revision Application Nos.858 of 2017, 860 of 2017 and 859 of 2017 respectively. The society had impugned the orders passed by the learned Divisional joint Registrar on 6th October, 2017 thereby allowing the appeals filed by the petitioners and setting aside the order dated 8th May, 2017 passed by the learned Deputy Registrar under section 35 of the Maharashtra Co-operative Societies Act, 1960 and remanding the matter back to the Deputy Registrar for consideration afresh in the light of the observations made by the learned Divisional joint Registrar in the said orders dated 6th October, 2017.

2. On 2nd February, 2018, this Court has granted *ad-interim* stay of the impugned orders passed by the learned Minister on 13th November, 2017 and further directing the learned Divisional joint Registrar not to proceed with the matter upon remand till next date.

3. I have heard Mr.Thorat, learned counsel appearing for the petitioners and Mr.Dani, learned senior counsel for the respondent no.4 society. It is not in dispute that the revision application filed by the petitioners are still pending before the learned Minister. These writ petitions arise only against the stay order passed by the learned Minister. In my view, the interest of justice would be met with if the

learned Minister is directed to dispose of the said revision application filed by the society expeditiously without being influenced by the observations made and the conclusion drawn in the orders dated 13th November, 2017. In my view, in the meanwhile the petitioners cannot be allowed to exercise their voting rights as members of the society. The respondent no.4 society shall also not initiate any action of eviction against the petitioners and their family members and shall permit the petitioners to avail of other facilities and amenities available to the members in accordance with the bye-laws of the society without prejudice to the rights and contentions of both the parties.

4. Both the parties are directed to appear before the learned Minister on 8th June, 2018 at 3:00 p.m. Learned Minister is directed to dispose of the revision application filed by the respondent no.4 society within two months from the date of the first meeting after hearing both the parties and in accordance with law and without being influenced by the observations made and the conclusion drawn in the impugned orders dated 13th November, 2017.

5. If any adverse order is passed by the learned Minister against the petitioners, the same shall not be implemented for a period of two weeks from the date of communication of the said order.

6. The above writ petitions are disposed of in aforesaid

terms. No order as to costs.

7. It is made clear that if any adverse order is passed by the learned Minister against the petitioners, the directions issued by this Court against both the parties in this order would continue even during the period of those two weeks from the date of communication of such adverse order, if any.

8. All the parties as well as the learned Minister to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)