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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2226 OF 2014

Suryaji R. Mokashi	...Petitioner
V/s.	
Divisional Joint Registrar, Co-operative Societies, Kolhapur & Ors.	...Respondents

Mr.Chetan G. Patil for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent No.1.

Mr.Prashant Bhavake for the Respondent No.2.

Mr.Anand S. Patil for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 7TH MARCH, 2018.

P.C. :-

1. By consent of parties, the following order is passed :-
 - a). The impugned order dated 31st January, 2014 passed by the respondent no.1 is set aside. The Revision Application No.488 of 2013 filed by the petitioner is restored to file. The petitioner seeks liberty to withdraw the Revision Application No.488 of 2013. Liberty is granted to withdraw the said revision application.
 - b). The petitioner would be at liberty to file the revision application before the Revisioning Authority under section 154 of the

Maharashtra Co-operative Societies Act, 1960 for impugning the auction as well as all steps taken by the parties including the authorities in furtherance of the said auction sale in the said revision application. The respondents will not raise any issue of maintainability of such revision application before the Revisioning Authority.

c). It is made clear that this Court has not set aside the impugned order dated 31st January, 2014 passed by the respondent no.1 on merits but is set aside by consent of both the parties.

d). The respondents shall not dispossess the petitioner from the possession of the property in question for a period of three weeks from today. The petitioner would be at liberty to apply for interim relief before the Revisioning Authority during this period of three weeks. The Revisioning Authority shall consider whether to continue the said protection after hearing all the parties concerned on its own merits.

e). If any application is made by the petitioner relying upon section 14 of the Limitation Act, 1963, the Revisioning Authority shall consider the same on its own merits. The Revisioning Authority shall decide the matter afresh without being influenced by the observations made in the impugned order dated 31st January, 2014 and the conclusion drawn and shall decide the matter in accordance with law.

2. The writ petition is disposed of in aforesaid terms. No order as to costs.

3. All the parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)