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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9492 OF 2017

Shri. N.P. Kuria Kose & Ors

...Petitioners

V/s.

State of Maharashtra & Ors

...Respondents

Mr. S.R. Borulkar i/b. Mr. Manoj A. Patil for Petitioners.
Mr. S.H. Kankal, AGP for State/Respondent Nos. 1 & 2.
Mr. C.P. Deogirikar for Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 27TH MARCH, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 16th March, 2017 passed by the Divisional Joint Registrar, Co-operative Societies rejecting the stay application filed by the petitioners. The learned Divisional Joint Registrar has however, admitted the Appeal No. 392 of 2016 filed by the petitioners and the same is proposed to be heard on 5th April, 2018. The petitioners filed a revision application against the order dated 16th March, 2018, in so far as the rejection of stay application filed by the petitioners is concerned. The learned Minister has rejected the said revision application.

2. There are serious allegations made against the petitioners in the impugned orders passed by the Authority. It is not in dispute

that the impugned order is partly implemented against the petitioners. Certain amounts are being deducted from the salary payable to the petitioner. Immovable properties of some of the parties are also attached already by the learned Divisional Joint Registrar, Co-operative Societies. I am not inclined to interfere with the impugned order passed by the learned Divisional Joint Registrar Co-operative Societies, refusing the grant stay in favour of the petitioners.

3. Parties are directed to proceed with the hearing of Appeal No. 392 of 2016 fixed by the learned Divisional Joint Registrar on the appointed date and shall not seek any adjournment. The learned Divisional Joint Registrar shall dispose of the said Appeal No. 392 of 2016 on its own merits and without being influenced by the observations made in the order dated 16th March, 2017, by which the stay application filed by the petitioners is rejected. It is made clear that all observations made by the Divisional Joint Registrar in the impugned order are prim facie and not conclusive.

4. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs. The learned Divisional Joint Registrar shall dispose of the appeal filed by the petitioners within four months from the date of first meeting. Parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)