

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

WRIT PETITION NO. 8587 OF 2017

...
 Konark Estate Co-operative Housing Society
 Ltd. PunePetitioner

V/S

The State Of Maharashtra And Ors.Respondents

...
 Mr.Utagikar Makarand Avinash for the Petitioner
 Mr.Avinash Bhaskar Avhad for Respondents Nos. 5 & 6.
 Ms.Jyoti P.Jahdav,AGP for the State.
 ...

**CORAM : A.A. SAYED &
 M.S.KARNIK, JJ.**

DATED : 18 JULY 2018**P.C.:**

The challenge in this Petition is to the communication/order dated 7-01-2017 of the Respondent No.2-Tahsildar & Taluka Executive Magistrate, Pune under section 80 of the Maharashtra Co-operative Societies Act, 1960 for seizing the records of the Petitioner-Society through the police for making entry of the name of Respondent No.6 as member of the Petitioner-Society by executing the order dated 29-04-2014 of Respondent No.3-Deputy Registrar.

2. Learned Counsel for the Petitioner-Society submits that despite the stay granted vide order dated 17-01-2017 by the Divisional Joint Registrar in Revision Application No.4/17 filed by the Petitioner-Society, the impugned communication/order dated 07-01-2017 was wrongly executed. The learned Counsel for the Petitioner-Society pointed out that the Revision Application No.4/17 filed by the Petitioner-Society before the Divisional Joint Registrar challenging the order dated 02-12-2016 of the Respondent No.3-Deputy Director, Co-operative Societies, directing the Tahsildar to forcibly seize the records of the Petitioner-Society, is still pending.

3. We note that the impugned communication/order dated 07-01-2017 is already executed and now the name of the Respondent No.6 has been entered as the member in the records of the Petitioner-Society.

4. Having heard the learned Counsel for the parties, we pass the following order:

(i) We record the statement of the learned Counsel for the Respondent No.6 that the Respondent No.6 shall not part with possession or create third party interest in respect of the flat in question until the disposal of the Revision Application No.4/2017 of the Petitioner-Society.

(ii) It will be open for the Petitioner-Society to contend before the Divisional Joint Registrar that the communication/order dated 7-01-2017 was wrongly acted upon and the action taken pursuant thereto entering the name of the Respondent No.6 in the records of the Petitioner-Society needs to be corrected/reversed. The Divisional Joint Registrar shall pass necessary consequential orders if the Revision Application of the Petitioner-Society is allowed.

5. The Writ Petition is disposed of in the above terms.

(M.S.KARNIK,J.)

(A.A.SAYED, J.)

Uday
Prabhakar
Kambli

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by Uday
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