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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1 OF 2018

Rajaraman Ravishankar	...Petitioner
V/s.	
Joint Registrar, Co-op. Soc. Pune & Ors.	...Respondents

Mr.Nitin P. Dalvi for the Petitioner.

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

CORAM : R.D. DHANUKA, J.
DATE : 10TH JANUARY, 2018.

P.C. :-

1. It is not in dispute that an Administrator has been already appointed to take charge of the management of the society in question. The only grievance now made across the bar by Mr.Dalvi, learned counsel appearing for the petitioner is that there was *ad-interim* stay granted by the respondent no.1 in the revision application filed by the petitioner and two others which proceedings were though adjourned to 11th April, 2017, were heard on 10th April, 2017 when the *ad-interim* order dated 25th October, 2016 passed by the respondent no.1 came to be vacated. He submits that learned advocate, who was representing the petitioner and two other committee members was coincidentally present in the premises and thus appeared before the

respondent no.1. Though he applied for adjournment and none of the parties have asked for vacating the order, the respondent no.1 on his own, vacated the *ad-interim* order dated 25th October, 2016 on 10th April, 2017 when the matter was wrongly on board before the respondent no.1.

2. It is not in dispute that the matter was initially adjourned to 11th April, 2017 as is clear from the Roznama at page 21. I am thus inclined to accept this submission of Mr.Dalvi, learned counsel for the petitioner that the respondent no.1 could not have vacated the *ad-interim* order dated 25th October, 2016 on the date when the matter was wrongly on board. The order dated 10th April, 2017 thereby vacating the *ad-interim* order dated 25th October, 2016 is accordingly set aside. The *ad-interim* order dated 25th October, 2016 which was in force, is restored to file *qua* all the petitioners to the said Revision Application.

3. The respondent no.1 is directed to hear the Revision Application No.262 of 2016 within six weeks from the date of communication of this order. The respondent no.1 shall decide the matter afresh and in accordance with law without being influenced by the earlier order passed by him, which is the subject matter of this writ petition.

4. The parties well as the respondent no.1 to act on the

authenticated copy of this order. It is made clear that this Court has not interfered with the other part of the impugned order, which is challenged in this petition. Insofar as the grievance of the learned A.G.P. that the petitioner has not handed over the records and the documents of the society to the Administrator and in respect of which the Government has already initiated action against the petitioner is concerned, it is made clear that this Court has not granted any stay to such action initiated against the petitioner.

5. The petitioner and the other two ex-committee members, who were petitioners in Revision Application are directed to hand over all the records and documents of the society, which are in possession of the petitioner as well as the other committee members, which are of the society prior to the date of appointment of the Administrator within one week from today, without fail, failing which appropriate action against the petitioner and other two committee members would be taken by this Court

6. The parties are directed to remain present before the concerned authority on 17th January, 2018 at 3:00 p.m.

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

(R.D. DHANUKA, J.)