

IN THE HIGH COURT OF BOMBAY AT GOA**CIVIL APPLICATION No. 198 OF 2019****IN****WRIT PETITION NO. 536 OF 2018**

UMESH JOSHI AND 4 ORS.,

... Applicants

Versus

STATE OF GOA, THROUGH CHIEF
SECRETARY AND 7 ORS.,**... Respondents**

Mr. Premanand A. Kholkar, Advocate for the Applicants.

Mr. Devidas J. Pangam, Advocate General with Mr. Deep D. Shirodkar, Additional Government Advocate for Respondents No. 1 to 3.

Mr. Anthony D'Silva, Advocate for Respondent No. 8.

**Coram : M. S. SONAK &
NUTAN D. SARDESSAI, JJ.****Date : 1st October, 2019.****P.C.**

Heard Mr. Kholkar, learned Counsel for the Applicants,
Mr. Devidas J. Pangam, learned Advocate General alongwith Mr.
Deep D. Shirodkar, Additional Public Prosecutor for Respondents

No. 1 to 3 and Mr. Anthony D'Silva, Advocate for Respondent No. 8.

2. Mr. Kholkar points out that Respondents No. 4 to 7 have not been appearing in the main petition though served.

3. Considering the order which is proposed to be made, we do not feel there is any necessity of fresh service upon the aforesaid Respondents.

4. By this application, the Applicants seek following reliefs:

- “a) That pending hearing and disposal of the Petition, the Respondent no. 3 be restrained from taking charge of the Petitioners Society and also issuing direction to the Petitioners to hand over the charge of Petitioner Society to the Adminisitrative Committee appointed by the Respondent no. 3.*
- b) That pending the hearing and disposal of the petition the oeperatin of the order passed by Respondent no. 3 dated 29/08/2019 be stayed.*
- c) For an ex-parte ad-interim relief in terms of prayer clause (a) and (b) above.*
- d) Any other order as this Hon'ble court deems fit and proper.”*

5. In so far as relief in terms of prayer clause (a) is concerned, reference is required to be made to the letter dated 08.08.2019 addressed by the Assistant Registrar of Co-operative Societies, Central Zone, to the Applicant No. 1. According to us, since the status quo order issued by us on 16.05.2018 continues to be in operation during the pendency of the petition, there was no question of the Assistant Registrar of Co-operative Societies requiring the Applicants to hand over the charge of records of relevant documents to the Committee of Administrators. Thus, a case is made out to grant interim relief in terms of prayer clause (a) on this ground. Accordingly, we grant interim relief in terms of prayer clause (a).

6. So far as relief in terms of prayer clause (b) is concerned, reference is necessary to the order dated 29.08.2019 again made by the Assistant Registrar of Co-operative Societies proceeding to hold election to the Society in question. Admittedly, the term of the Applicants has come to an end in June 2019. The order dated 29.08.2019 merely appoints the Election Officer to proceed with elections. According to us, there is no case made out for stay of order dated 29.08.2019 for holding the elections in pursuance of the same. Since the term of the Applicants is already over, obviously they cannot resist holding fresh elections. Therefore, interim relief in terms of prayer clause (b) is rejected.

7. The Civil Application is disposed of in the aforesaid terms.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

msr.