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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 382 OF 2019

Seva Samiti Co-Op. Housing Society Ltd.
through the Secretary – Mr. Ashok R. Kukreja ... Petitioner
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Satish R. Mishra, for the Petitioner.
Mrs. Sushma Bhende, APP for Respondent - State.

**CORAM : INDRAJIT MAHANTY, &
SARANG V. KOTWAL, JJ.**

DATE : JANUARY 8, 2019

PC :

1. Heard the learned counsel for the Petitioner, as also the learned APP appearing for the Respondent-State. The present petition came to be filed challenging the order dated 31st December, 2018 passed by the Respondent No. 2, in which it has been mentioned that a meeting has been scheduled for appointing the Chairman, Secretary and the Treasurer of the Seva Samiti Co-Op. Housing Society Ltd.

2. The learned counsel for the Petitioner *inter alia* submitted that the Petitioner was a member of the earlier Managing Committee and was disqualified from being appointed as

the member of the Managing Committee for a further period of five years. This order dated 16.11.2018 itself disqualifying the Petitioner and the others is the subject matter of Revision Application No. 485 of 2018, pending before the Joint Registrar, Mumbai. The learned counsel for the Petitioner further submits that if the process of appointment of the Chairman, Secretary and Treasurer is carried out, then there is every likelihood that the revision application filed by him would be rendered infructuous. The learned counsel for the Petitioner further submits that although the revision was filed by the Petitioner and the matter was listed on three earlier dates, due to preoccupation of the Jt. Registrar, the matter could not be taken up and now, the matter is listed on 28th January, 2019 for consideration.

3. Without entering into merits of the claims made by the Petitioner, for the purpose of meeting the ends of justice, we dispose of this petition by passing the following order:

- (i) If any appointment is made pursuant to the impugned order dated 31.12.2018 (Exhibit A to the petition), the same shall be subject to the outcome of Revision Application No. 485/2018 pending before the Jt. Registrar, Mumbai.
- (ii) We direct the Jt. Registrar, Mumbai to take up and dispose of Revision Application No. 485/2018 pending

before him, as expeditiously as possible, preferably within three months from today, if not earlier disposed of.

(iii) We make it clear that the Jt. Registrar, Mumbai shall proceed to adjudicate the above revision application on merits and strictly in accordance with law, without being influenced in any manner by any order that may be passed by the Registrar, pursuant to letter dated 31.12.2018 (Exhibit A to the petition).

(iv) Writ petition is disposed of in the aforesaid terms.

Sd/-

[SARANG V. KOTWAL, J.]

Sd/-

[INDRAJIT MAHANTY, J.]

Vinayak Halemath