

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1239 OF 2019

ALONG WITH

CIVIL APPLICATION NO. 552 OF 2019

IN WP/1239/2019

Raju Dinkar Deshmukh

... Petitioner

Versus

Ajit Nagari Sahakari Pat Sanstha Ltd.

Pune & Ors.

... Respondents

ALONG WITH

WRIT PETITION NO. 1243 OF 2019

ALONG WITH

CIVIL APPLICATION NO. 554 OF 2019

IN WP/1243/2019

Pranali Raju Deshmukh & Anr.

... Petitioners

Versus

Ajit Nagari Sahakari Pat Sanstha Ltd.

Pune & Ors.

... Respondents

ALONG WITH

WRIT PETITION NO. 1253 OF 2019

ALONG WITH

CIVIL APPLICATION NO. 555 OF 2019

IN WP/1253/2019

Vaishali Raju Deshmukh & Anr.

... Petitioners

Versus

Ajit Nagari Sahakari Pat Sanstha Ltd.

Pune & Ors.

... Respondents

ALONG WITH

WRIT PETITION NO. 1474 OF 2019

ALONG WITH

CIVIL APPLICATION NO. 553 OF 2019

IN WP/1274/2019

Smt. Anuradha Dinkar Deshmukh & Anr.

... Petitioners

Versus

Ajit Nagari Sahakari Pat Sanstha Ltd.

Pune & Ors.

... Respondents

.....

Mr. Nitin P. Deshpande, Advocate for Petitioners.

Mr. Vijay Patil, Sr. Advocate a/w Mr. Mohan P. Tekavde, Ms. Swati Tekavde for Respondent No.1.

Mr. Dinesh S. Ghone, for Respondent No.2.

Mr. Uday Bobade, Sr. Advocate with Ms. Rachana Tiwari for Respondent No.5.

Mr. C. D. Mali, AGP for State/Respondent Nos. 3 & 4.

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CORAM : S. S. SHINDE, J.

DATE : 15TH APRIL, 2019

P. C. :

1. The learned counsel appearing for the petitioners, on instructions submits that petitioners would be satisfied, in case the directions are issued to the Joint Divisional Registrar, Co-operative Societies, Pune to decide the pending Revisions filed by the petitioners within stipulated period.

2. The learned counsel appearing for respondent no.5, on instructions makes a statement that Ad-interim relief granted by this Court which is in force till date may not be continued any further. However, on instructions, he makes a statement that upon receipt of the possession of subject property by respondent no.5, respondent no. 5 will not create any third party rights till the Revisions are decided by the Revisional Authority in case this Court directs the Revisional Authority to decide the pending Revisions within stipulated period.

3. In the light of submissions made across the bar and in view of the fact that, Revisions filed by the petitioners are pending before the Revisional Authority, no purpose would be served by keeping this petition pending in this Court. Hence, in the light of submissions made across the bar, ends of justice would be met, in case following order is passed :

i) All the Writ Petitions are disposed of with directions to the Joint Divisional Registrar, Co-operative Societies, Pune to decide all the pending Revisions as expeditiously as possible, however within three months from today.

ii) All the contentions raised on merits by the petitioners/respondents are kept open to be agitated before the Revisional Authority.

iii) It is made clear that, Ad-interim relief granted by this Court and which was in force till today stands vacated.

iv) The amount deposited by the petitioners are permitted to be withdrawn by the petitioners.

v) The statement made by the learned counsel appearing for the respondent no.5, on instructions that,

respondent no.5 will not create third party rights in the subject property till the Revisions are decided stands accepted.

vi). Since Ad-interim relief granted earlier and which was in force during the pendency of this petition is vacated, respondent no. 5 is free to take the possession of the subject property. Concerned Officer is free to take possession from the petitioners and give possession of the subject property to respondent no.5. Respondent no.5 to take the possession, however subject to aforesaid clause no. (v).

vii) It is made clear that, this Court has not expressed opinion on merits of the matters. The Revisional Authority shall adhere to the time limit of three months and decide the Revisions and send compliance report of the aforesaid directions.

3. Parties to act on the authenticated copy of this order.

(S. S. SHINDE, J.)