

BDP-SPS

Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6407 OF 2019**

Shri Gopalan Balasubramanian
The Chief Promoter of
Dattani Shelter CHS Ltd. (Proposed) Petitioner.

V/s

The Joint Registrar (Eastern & Western
Suburban), Slum Rehabilitation
Authority and Others Respondents

Ms. Sonal a/w Kainaz Irani I/b Mr. Prasad Kumar Das for the
Petitioner.

Mr. Pradeep J. Thorat for Respondent No.3.

Ms. Vaishali Maindad for Respondent No.1.

CORAM: NITIN W. SAMBRE, J.

DATE: 25th June, 2019

P.C.:-

1] Heard respective Counsel. What is noticed is, application moved under section 8 of the Maharashtra Co-operative Societies Act, 1960 for registration of the Society, was rejected by the Joint Registrar, which order was subject matter of challenge in appeal before the State Government. The Appellate Authority viz State Government has directed Divisional Joint Registrar, Co-operative

Societies to decide the issue as to who is the Chief Promoter and set aside the order of rejection of the prayer for grant of registration. As such, this Petition.

2] After having heard respective Counsel, there is a consensus on an issue viz (a) that the State Government has no power to direct the authorities to decide the issue of Chief Promoter and atleast no such power could be traced in the statute to that extent and (b) parties hereto agree that registration needs to be granted to the Society in question.

3] In the aforesaid background, this Court feels it appropriate to direct Respondent No.1 to issue registration certificate to the Co-operative Housing Society, pursuant to the application dated 29th September, 2017. Such registration certificate be issued within four weeks from today. After receipt of such registration certificate, it is directed that within eight weeks, election of the said Society be held under the supervision of concerned Deputy Registrar or his nominee.

4] SRA would be at liberty to destroy the papers in regard to the

alleged election held under their supervision.

5] With the above observations, Petition stands disposed of.

(NITIN W. SAMBRE, J.)