

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.105 OF 2019

Syed Asad Akhtar & Ors.

.... Petitioners

versus

The Deputy Registrar, M Ward
Co operative Societies & Anr.

... Respondents

.....

- Ms.Pratibha Rupnawar, Advocate for Petitioners.
- Mr.Himanshu Takke, AGP for Respondent No.1.

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

DATE : 20th FEBRUARY, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. This Writ Petition has come to be filed by the Petitioner seeking to challenge an order under Ex.A annexed at Page No.31, by which order the Respondent No.1 has stated to remove the Petitioners and appoint an Ad-Hoc Committee for conducting the election.

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** This order has been corrected as per Speaking to the Minutes dated 06/03/2019.

3. It is an admitted position between the parties that from the eight members elected to the Managing Committee, one member has resigned and two members have been disqualified on 19/11/2018. Thereafter it appears that a notice was issued to the Petitioner under Ex.B dated 06/12/2018 seeking recommendation of names of willing members who would form the provisional Committee. Admittedly, the existing Managing Committee has not responded to the notice Ex.B, and thereafter the impugned order under Ex.A dated 17/12/2018 came to be passed.

4. Learned Counsel for the Petitioner submits that the Petitioner's had filed an Appeal u/s 152 of Maharashtra Cooperative Societies Act, 1960 and the stay application in the said Appeal came to be heard by Respondent No.2 Joint Divisional Registrar, 'M' Ward on 29/01/2019 and he asserts that, no order thereon has been passed, as a consequence of which, the Respondent No.1 is directing the Petitioners, who are members of original Managing Committee, to handover charge to the Ad-Hoc Committee.

5. Although hearing on 29/01/2019 is stated to have taken place on the stay Petition filed by the Petitioner, we are of the considered view that the ends of justice would be best subserved if the Respondent No.2 hears the Appeal and disposes of the same on its own merits within a period of four weeks. Till then Ex.A, shall not be given effect.
6. The Petitioners undertake to appear before the Respondent No.2 for obtaining the date of hearing on 25/02/2019 with a copy of this order, on which date, Respondent No.2 shall fix the date of hearing of the Appeal and dispose the same strictly in accordance with law.
7. Writ Petition is disposed of accordingly.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)