

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 WRIT PETITION NO.5657 OF 2020

ADITYA SUBHASHCHANDRAJI SARDA

..PETITIONER

VERSUS

**THE DIVISIONAL JOINT REGISTRA
AND ANOTHER**

..RESPONDENTS

...

Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 08th SEPTEMBER, 2020.

PER COURT:-

1. Mr. Salunke, learned counsel for the petitioner submits that time and again notice is issued to the petitioner under Section 79-A of the Maharashtra Co-operative Societies Act for disqualification. Earlier, order of disqualification was issued. The petitioner filed an Appeal. This Court in Writ Petition No.19/2020 under order dated 03.01.2020 directed to the Hon'ble Minister to take decision for stay within three days.

2. Thereafter on 15.01.2020, the Single Judge of this Court in Writ Petition No.938/2020 granted stay to the disqualification. After the stay was granted to the disqualification of the petitioner on 15.01.2020 again notice is issued to the

petitioner on 04.02.2020 under Section 79 of the Maharashtra Co-operative Societies Act. The petitioner has filed reply. The learned counsel submits that the respondents are bent upon to disqualify the petitioner on one or other pretext. He seeks protection for a period of fifteen days, if the order of disqualification is passed against him.

3. The learned A.G.P. submits that if the petitioner is disqualified, he has remedy of Appeal and can seek interim protection in an Appeal.

4. In normal course, we would not have entertained the present writ petition even for a moment. As the petitioner can avail the remedy of an Appeal and seeks stay, however, considering the earlier notice and orders passed against the petitioner it appears that the moment this Court stayed the disqualification of the petitioner under order dated 15.01.2020 in Writ Petition 938/2020, the notice is again issued on 04.02.2020 under Section 79 of the Maharashtra Co-operative Societies Act. The earlier disqualification was also under the same provision.

5. Considering the fact that the repetitive actions are taken against the petitioner under Section 79 and the earlier order passed by this Court in the petition filed by the petitioner, we pass the following order:

ORDER

A. In event the order is passed by the respondent-Authority under Section 79 Maharashtra Co-operative Societies Act pursuant to the notice dated 04.02.2020, the same shall not take effect for a period of seven (07) days from the date of the communication of the said order to the petitioner.

6. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE