

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11171 OF 2019

Suhas Prakash Shah ... Petitioner
Vs.
The Hon'ble Minister for Co-operation, Textile and
Marketing and others ... Respondents

AND

WRIT PETITION NO.11172 OF 2019

Nisargprem A Co-operative Housing Society Ltd. ... Petitioner
Vs.
Jayant Maniklal Lunawat and others ... Respondents

Mr. Y. S. Jahagirdar, Senior Advocate a/w. Mr. S. S. Kanetkar for
Petitioner in W.P.No.11171 of 2019 and for Respondent No.2 in
W.P.No.11172 of 2019.

Mr. Surel S. Shah for Petitioner in W.P.No.11172 of 2019.

Mr. S. L. Babar, AGP for Respondent Nos.1, 3 and 4-State in
W.P.No.11171 of 2019.

Mr. P. V. Nelson Rajan, AGP for Respondent Nos.3 to 5-State in
W.P.No.11172 of 2019.

Mr. Ashish Kamat a/w. Mr. Kuber Wagle i/b. Purnanand & Co. for
Respondent No.2 in W.P.No.11171 of 2019.

Mr. Kuber Wagle i/b. Purnanand & Co. for Respondent No.1 in
W.P.No.11172 of 2019.

CORAM : UJJAL BHUYAN, J.

DATE : JANUARY 08, 2020

P.C. :

This order will dispose of both the writ petitions.

2. Heard Mr. Jahagirdar, learned Senior Counsel i/b. Mr. Kanetkar, learned counsel for the petitioner in W.P.No.11171 of 2019; Mr. Shah, learned counsel for the petitioner in W.P.No.11172 of 2019; also heard Mr. Kamat, learned counsel for respondent No.2 in W.P.No.11171 of 2019; and Mr. Wagle, learned counsel for respondent No.1 in W.P.No.11172 of 2019.

3. On 16.10.2019, this Court while issuing notice had observed that considering the limited grievance expressed by the petitioners, an endeavour may be made to dispose of the writ petitions on the returnable date. In the meanwhile, the appellate order dated 04/05.09.2019 passed by respondent No.3 in Appeal No.36 of 2017 was stayed.

4. Matter relates to membership of Nisargprem A Co-operative Housing Society (briefly 'the society' hereinafter).

5. In Writ Petition No.11171 of 2019, the dispute is between petitioner and respondent No.2. Respondent No.2 had submitted an application before the Deputy Registrar of Co-operative Societies, Pune City (1) for issuing share certificate in his name. Since the share certificate was not issued, he preferred appeal before respondent No.3, which was registered as Appeal No.36 of 2017. By order dated 04/05.09.2019, respondent No.3 directed respondent No.5 to furnish share certificate to respondent No.2.

5.1. Aggrieved by such order, petitioner preferred revision application before the State Government on 07.10.2019. It is stated that because of political uncertainty at that point of time, the revision application could not be considered by the authority. It is in such circumstances that Writ Petition No.11171 of 2019 came to be filed.

6. It may be mentioned that Writ Petition No.11172 of 2019 has been filed by the society with similar grievance.

7. At the time of hearing, it has transpired that the political uncertainty has now been removed and there is Hon'ble Minister for Co-operation who may deal with the revision application filed by the petitioners.

8. Upon hearing learned counsel for the parties and on due consideration, Court is of the view that it would be in the interest of

justice if the revisional authority is directed to take on Board the revision application filed by the petitioner in Writ Petition No.11171 of 2019 and decide the same in accordance with law expeditiously.

9. Accordingly, respondent No.1 in Writ Petition No.11171 of 2019 may take up on 20.01.2020 the revision application filed by the petitioner and decide the same within a period of 6 weeks from the date of appearance of the parties.

10. Since both the parties are before the Court, they are directed to appear before respondent No.1 along with an authenticated copy of this order on 20.01.2020 at 3:00 p.m.

11. Till disposal of the revision application within the period as aforesaid, the appellate order dated 04/05.09.2019 shall not be given effect to.

12. Needless to say, no opinion has been expressed on merit and all contentions are kept open.

13. Both the writ petitions are disposed of.

(UJJAL BHUYAN, J.)

Minal Parab