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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1445 OF 2008**

EKTA CO-OP. HOUSING SOCIETY LTD.	.. PETITIONER
VS.	
STATE OF MAHARASHTRA & ORS.	.. RESPONDENTS

Mr. V.S. Kapse for the petitioner.

Mr. S.D. Rayrikar, AGP for respondent No.1.

CORAM : M.S.KARNIK, J.

DATE : MARCH 11, 2021

P.C.

Heard learned counsel for the petitioner.

2. The Writ Petition is of the year 2008. The dispute essentially pertains to the registration of the respondent No.2 - Abu Mansion Co-op. Housing Society Ltd. The re-development of the erstwhile building of the petitioner - society was undertaken by the petitioner - society pursuant to the order passed by this Court dated 8/8/2007 in Writ Petition No. 1638 of 2007. It appears that there were some disputes amongst the members.

3. Some persons formed the respondent No.2 - society. The petitioner applied to the Deputy Registrar under Section 21-A of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as 'the said Act' for short) for de-registration of the respondent No.2 - society. The Deputy Registrar de-registered the

respondent No.2 – society. The respondent Nos. 3 to 10 approached the Hon’ble Minister by filing a revision under Section 154 of the said Act. The Hon’ble Minister set aside the order of the Deputy Registrar. The consequence thereof was revival of the respondent No.2 – society. The present Petition was filed in this Court against the Hon’ble Minister’s order in revision. It would be pertinent to refer to the interim order dated 4/3/2008 passed by this Court which reads thus :-

“P.C.

1. Mr. Almeida, appears for Respondent nos. 3 to 10. On instructions, he makes a statement that Respondent nos.3 to 10 are even today, ready and willing to join Ekta Co-operative Housing Society limited, but the said Society has not enrolled them as Members.

2. Mr. Kapse, appearing for the petitioner – society disputes this position and states that even if today the Respondents nos.3 to 10 approach the Society, the Society will enroll them and admit them as Members.

3. Considering that earlier this court had recorded a statement of these very respondents who were Original Petitioners in Writ petition No.1638 of 2007, to avoid further complications, it will be proper if Mr. Almeida files an Affidavit of Respondent Nos.3 to 10 within a period of two weeks from today, reiterating the statements recorded in above Writ Petition. If such an Affidavit is filed and a copy is served on Mr. Kapse, needless to state, that the petitioner/society to take steps and admit these persons as Members within a period of 15 days from the date the Affidavit is filed and a copy is served on the petitioners’ Advocate. If any such Affidavit is filed, then the Writ petition to be placed for admission on 31.03.2008. Place this matter on 31.03.2008. Till 31.03.2008, the proceedings for de-registration of the petitioner – society shall remain stayed.”

4. Learned counsel for the petitioner – society on instructions submits that except respondent Nos. 7 and 10 all other respondents have been enrolled as members of the petitioner – society and have no grievance against the petitioner societies registration. Statement accepted. He says that even so far as

respondent Nos. 7 and 10 are concerned, there is some dispute interse between them and learned counsel for the petitioners submits that after the proceedings initiated between members interse i.e. respondent Nos. 7 and 10 are decided, the respondent Nos.7 and 10 will be enrolled as members or as per the directions in the proceedings.

5. In this view of the matter and considering that all the respondents have now been enrolled as members except the respondent Nos. 7 and 10, the present Writ Petition can be allowed by setting aside the impugned order. The order passed by the Hon'ble Minister is therefore set aside.

6. In view of the stand of the Petitioner, the present Writ Petition is disposed of.

(M.S.KARNIK, J.)

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