

DDR

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2334 OF 2021

VIPUL MAHAJAN & ANR.	..PETITIONERS
VS.	
THE HON'BLE MINISTER & ORS.	..RESPONDENTS

Mr. Mayur Agrawal i/b. Dinesh Kumar Gupta for the petitioners.	

CORAM : M.S.KARNIK, J.

DATE : AUGUST 6, 2021

P.C.

Heard learned counsel for the petitioners.

2. The petitioners are the members of the Co-operative Housing Society Ltd. It is alleged that there were several irregularities committed by the members of the Managing Committee as regards the functioning of the society. Accordingly a complaint came to be made under the provisions of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as 'the said Act' for short) before the District Deputy Registrar. The District Deputy Registrar appointed an administrator. An appeal came to be filed by the Managing Committee members before the Divisional Joint Registrar. The order of the District Deputy Registrar was upheld. The Managing Committee members then filed the revision under Section 154 of the Act before the Hon'ble Minister. It is the contention of learned counsel for the petitioners that an

administrator had already taken charge on 27/1/2021. He submits that it is thereafter that the Hon'ble Minister by the impugned order stayed the orders passed by the District Deputy Registrar and the Divisional Joint Registrar during the pendency of the revision. It is his contention that the petitioners were not heard and the impugned order was passed without an opportunity to the petitioners to present their case.

3. I find that the Hon'ble Minister has taken into consideration the fact that the administrator was already appointed. From the order it is seen that the Hon'ble Minister thought it fit to stay the impugned orders as the affairs of the society are at a standstill.

4. I am further informed that pursuant to the order passed by the Hon'ble Minister the society has already taken charge from the administrator.

5. I do not propose to interfere with the impugned orders as, if it is the contention of the petitioners that they were not heard before the stay was granted by the Hon'ble Minister, it is always open for the petitioners to file an appropriate application for vacating the stay.

6. Liberty to the petitioners to approach the Hon'ble Minister by filing an appropriate application for vacating the stay granted raising a contention that they were not heard before passing the

impugned order and order was passed ex-parte.

7. All contentions on merits are kept open.

8. I have not made any observation on merits of the contentions either ways.

9. The Hon'ble Minister to consider the application, if made, on its own merits and in accordance with law.

10. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

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