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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4709 OF 2021

Vijay Ankushrao Gawade

..... Petitioner

vs.

The Shivsahyadri Sahakari Pat.
Maryadit and Ors.

..... Respondents

Mr.A.P.Steenson i/b M/s.APS Law Associates for the
petitioner

Mr.Prithviraj S. Gole for the respondent no.1

Mrs.S.S.Bhende, A.G.P. for the State

**CORAM: K.K.TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : SEPTEMBER 13, 2021

P.C.

. Heard.

2. By this petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against Respondent no.2, The Special Recovery Officer to restore physical possession of the said premises being shop no.9, Ground Floor, Sai Prasad, Shop No.17, Sector 8, Nerul, Navi Mumbai 400 706, District Thane to the Petitioner.

3. The learned counsel for the Petitioner submits that they have already preferred Revision before Divisional Joint Registrar, Co-operative Societies, Mumbai Region, Mumbai on 21.05.2021. Authority failed to hear the said revision

immediately. Therefore, they preferred the present Writ Petition. He submits that in the interest of Justice, this Hon'ble Court be pleased to direct revisional authority i.e. Divisional Joint Registrar, Co-operative Societies, Mumbai Region, Mumbai to decide Petitioner's Revisional Application dated 21.05.2021 as early as possible on its own merits.

5. Considering the submissions made by the learned counsel for the Petitioner and as Petitioner already filed Revision before the competent authority, Petition can be disposed of with following direction:

a. Revisional Authority i.e. Divisional Joint Registrar, Co-operative Societies, Mumbai is directed to decide Petitioner's Revision Application dated 21.05.2021 on its own merits after hearing both the sides as early as possible but in any case, on or before 30.10.2021.

b. Contention of Respondent about maintainability of the Revision is kept open.

c. All contentions of both the parties are kept open.

d. With these directions, Writ Petition stands disposed of.

e. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K.TATED, J.)