

DDR

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

WRIT PETITION NO. 4158 OF 2021

VIVEKANAND D. GUPTA ..PETITIONER
VS.
THE DEPUTY REGISTRAR & ORS. ..RESPONDENTS

Mr. Kishor Patil i/b. Pratik B. Rahade for the petitioner.
Mr. P.V.N. Rajan, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 13, 2021

P.C.:-

Heard learned counsel for the petitioner.

2. It is pointed out that by an order dated 6/8/2021, the Deputy Registrar superseded the Managing Committee of the respondent No.3 - Society. The petitioner is the Secretary and one of the Managing Committee members of the superseded committee. The impugned order is passed on the ground that the society does not have adequate quorum as six members have resigned.

3. Learned AGP supported the impugned order.

4. My attention is invited to an order dated 9/11/2020 passed by the Deputy Registrar wherein it has been observed that there are 3 directors and 2 directors were co-opted, thus there are 5 members of Managing Committee. It is the petitioner's submission that the impugned order is passed without any notice to the Managing Committee.

5. Against the impugned order dated 6/8/2021, the appeal has been preferred before the respondent No.2 - the Divisional Joint Registrar and the application for stay of the order dated 6/8/2021 has been preferred. The next date of hearing of application for stay is 23/8/2021.

6. In the meantime, the notice is issued that the Board of Administrators is being appointed. In this view of the matter, as the application for stay is already under consideration, the Petition can be disposed of by directing the respondent No.2 - the Divisional Joint Registrar to decide the application for stay. Till the application for stay is decided, in the interest of justice and in the present facts, especially in the light of the observations that there are 2 co-opted members apart from the 3 existing Directors, the impugned order dated 6/8/2021 is required to be stayed till the stay application is decided by the respondent

No.2.

7. The application for stay and the appeal shall proceed on its own merits and in accordance with law without being influenced by any observations made by me in this order. The application for stay be decided expeditiously.

8. The Writ Petition is disposed of.

(M.S. KARNIK, J.)

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