

DSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8314 OF 2021**

Mithaali S. Joshi and ors.

...Petitioners.

V/s.

The State of Maharashtra and ors.

...Respondents.

Mr. Vijay D. Patil a/w. Mr. Sandeep A. Kocharekar i/b Mr. Yogesh V. Patil for the Petitioners.

Mr. S.D. Rayrikar, AGP for the Respondent – State.

CORAM : G. S. KULKARNI, J.

DATE : NOVEMBER 30, 2021.

PC :

1] Not on board. Taken on board on an application moved on behalf of the petitioners.

2] The urgency as set out by the learned counsel for the petitioners is that by an order dated 30.3.2019 passed by the Dy. Registrar for Cooperative Societies, G/N Ward, Mumbai, respondent No.9 is appointed as an Authorised Officer and he is likely to take charge of the affairs of the society.

3] Mr. Patil would submit that being aggrieved by the order dated 30.3.2019 passed by the Dy.Registrar for Cooperative Societies, G/N Ward, Mumbai an appeal was preferred by the petitioners before the Divisional Joint Registrar, Cooperative Societies, Mumbai, who has dismissed the petitioner's appeal by an order dated 22.11.2021. Against such order, the petitioners have already filed a revision before the Hon'ble Minister of State for Cooperation, Mantralaya, Mumbai, which was filed yesterday, i.e.,

29.11.2021. Mr.Patil submits that, however, this court was required to be urgently moved as the Authorised Officer has threatened to take charge of the affairs of the society. Mr. Patil would submit that an interim application for stay of the orders passed by the authorities below, has also been moved before the Hon'ble Minister, however, the petitioner is informed that the Hon'ble Minister would not be available for next three to four days. Hence, this petition.

4] Mr. Patil, the learned counsel for the petitioners, has stated that the Authorised Officer was served with the notice of this petition.

5] In the aforesaid circumstances, in my opinion, as the substantive proceedings, i.e., the revision as filed by the petitioner is pending before the Hon'ble Minister, this petition need not be kept pending and it needs to be disposed of. However, to enable the Hon'ble Minister to consider the petitioners' interim application and hear the parties on the interim application and /or revision application, limited protection can be granted to the petitioners.

6] Accordingly, the Authorised Officer is directed not to act upon the order passed by the Dy. Registrar for Cooperative Societies, G/N Ward, Mumbai as confirmed by the Divisional Joint Registrar for Cooperative Societies, Mumbai for a period of two weeks from today.

7] In the meantime, the Hon'ble Minister is requested to hear the petitioners' interim application and to pass appropriate orders thereon.

8] It is clarified that if such interim application is finally not decided, the protection granted by this Court by this order shall continue to operate till such appropriate orders are passed by the Hon'ble Minister on the interim application.

9] Ordered accordingly.

10] All contentions of all the parties in the pending proceedings are expressly kept open.

11] Needless to observe that the limited protection as granted by this Court is without examining the merits of the petitioners' case in the revision proceedings and ought not to be construed as any expression on the merits of rival pleas. The Hon'ble Minister shall accordingly, decide the proceedings before him on their own merits and without being influenced by the protection granted to the petitioners, in the peculiar circumstances.

12] Writ Petition is disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)

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