

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

**WRIT PETITION NO.3141 OF 2022
WITH
INTERIM APPLICATION NO.2723 OF 2022**

Shrimati Chintadevi S. Singh ..Petitioner/Applicant
Versus
Minister, Government of Maharashtra
Co-operative & Textiles Department,
Mantralaya, Mumbai & Ors. ..Respondents

Mr. Hitesh M. Shah, for the Petitioner/Applicant.
Mr. P. P. Pujari, AGP for the Respondent No.1.
Mr. Sandesh Deshpande, for the Respondent No.3.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th JULY, 2022

P.C.

1. Heard.

2. The order impugned is passed by the State Government on 13th December, 2021, whereby the order of the Joint Registrar, Co-operative Societies dated 7th August, 2020 is set aside.

3. The contentions of the counsel for the petitioner are, the order dated 7th August, 2020 passed by the Joint Registrar is in tune with the legal provisions i.e. Section 154(b) of the Maharashtra Co-operative Societies Act, as the respondent No.3 society has not conducted any AGM before passing the order impugned.

4. AGP and counsel for the respondent No.3 society support the order impugned.

5. It appears that the said order was set aside in the proceeding at the behest of respondent No.3 society before the State Government. As a sequel, the directions to the petitioner to pay penalty of Rs.2000/- per month for encroaching on the property of the society came to be given effect to.

6. The fact remains that the petitioner/applicant has came out with a case before the Joint Registrar that an amount of Rs.2000/- per month is exorbitant and same be reduced.

7. In the aforesaid background and having regard to the fact that it is claimed by the petitioner/applicant that the order impugned is passed without hearing him, it will be appropriate to set aside the order passed by the State Government on 13th December, 2021, subject to condition that the petitioner/applicant shall before 5th day of every month till removal of encroachment shall continue to deposit an amount of Rs.1000/- per month towards compensation to be paid to respondent No.3 society.

8. Needless to observe that the respondent No.3 society shall comply directions given by the respondent/Divisional Joint Registrar, Co-operative Societies. However, till such decision is taken by the respondent No.3 society, the petitioner/applicant must continue to deposit the said amount.

9. The petition stands allowed in above terms.
10. In view of disposal of petition, the interim application also stands disposed of.

[NITIN W. SAMBRE, J.]