

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 10041 OF 2022VAISHALI
ANIL
TIKAMShri Digambar Kumthekar and Anr.
Vs.

...Petitioners

Digitally signed
by VAISHALI
ANIL TIKAMDate:
2022.09.08
14:39:47 +0530The Divisional Joint Registrar
Cooperative Societies and Anr.

...Respondents

* * * *

Mr. Sandesh Patil i/b. Mr. Siddharth Karpe for
Petitioners

Mr. S.D. Rayrikar, AGP for State/Respondent No.1

Ms. Aparna Vhatkar for Respondent No.2-SRa

Coram : Sandeep K. Shinde, J.Dated: 7th SEPTEMBER, 2022.

P.C. :

1. The Assistant Registrar, Cooperative Societies, SRA in exercise of powers under Section 77A of the Maharashtra Cooperative Societies Act appointed Mr. Anand Patil, Authorized Officer to take a charge of the Petitioners' Society and hold the elections of the committee members of the society within six months. Feeling aggrieved by the said order, the society preferred an appeal under Section 152 of the Maharashtra Cooperative Societies Act before the Divisional Joint Registrar, Cooperative Societies, Mumbai Division, Mumbai. Pending appeal, on 19th April, 2022, the Divisional Joint Registrar

directed the parties to maintain status quo. Whereafter, vide order dated 4th July, 2022, the Divisional Joint Registrar, admitted the appeal but refused to grant stay to the order dated 15th March, 2022. It is against that order, the society has preferred this writ petition.

2. Heard Mr. Patil, learned counsel appearing for the Petitioners. Mr. S.D. Rayrikar, learned AGP for the State-Respondent No.1 and Ms. Aparna Vhatkar, learned counsel for respondent No.2-SRA.

3. Mr. Patil, learned counsel appearing for the Petitioners, on instructions, submits that although the appeal has been admitted, but since the order passed by the Assistant Registrar under Section 77A has not been stayed, let the authorized officer, Mr. Anand Patil to hold the election of the Society in accordance with the Cooperative Societies (Election Committee) Rules, 2014. I appreciate Petitioners stand. However, though authorized officer has taken the charge of the society, but he could not proceed to hold the election in view of the order passed by the Divisional Joint Registrar, directing the parties to maintain status quo. Besides, it is pointed out that the, State vide order dated 15th July, 2022 postpone the election

of the Cooperative Societies upto 30th September, 2022. In any case since Petitioners themselves, are of the view that, election of committee members, be held, Mr. Patil, Authorized Officer, shall expeditiously commence election process of the petitioner Society in accordance with the Maharashtra Cooperative Societies (Election Committee) Rules, 2014.

4. In view of the facts above, nothing survives in the petition. Petition is disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)