

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 35147 OF 2022
IN
WRIT PETITION NO. 3432 OF 2022
ALONGWITH
WRIT PETITION NO. 3432 OF 2022

Sudhir Agarwal

**..... Applicant/
Petitioner**

VERSUS

**The Deputy Registrar Co-operative Societies
(K East Ward) & Ors.**

..... Respondents

Mr.Mohit Bhardwaj for the Applicant/Petitioner.

Mr.Manish Upadhye, A.G.P. for the Respondent nos. 1 and 2 – State.

Mr.Ajit Anekar, a/w. Ms.Ashlesha Modak, i/b. M/s.Auris Legal for the
Respondent nos. 3 and 4.

**CORAM: R. D. DHANUKA AND
S.G.DIGE, JJ.**

DATE : 23RD NOVEMBER, 2022

P.C:-

Writ petition not on board, taken on board.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks order and direction against the Deputy Registrar, K-East Ward to decide the application mentioned in prayer clause (a) of the writ petition under Rule 58 of the Maharashtra Co-operative Societies Rules, 1961.

3. Interim application is filed *inter alia* praying for an order and direction against the respondent no.1 to decide the issue of cessation of membership application prior to 26th November, 2022.

4. It is common ground that the nomination forms are already filed by the members whose membership is sought to be challenged by the petitioner in the application filed under Rule 58 of the Maharashtra Co-operative Societies Rules when the writ petition was filed as far back as on 10th April, 2022. No interim relief has been obtained by the petitioner in the writ petition or the final order. The election results would be declared on 11th December, 2022. We are thus not inclined to grant any relief sought in the writ petition as well as in the interim application. The petitioner would be at liberty to file dispute under section 91 of the Maharashtra Co-operative Societies Act if he is so advised. If any such dispute is filed, the same shall be decided on its own merits and in accordance with law.

5. Writ petition and interim application are disposed off in the aforesaid terms. No order as to costs.

[S. G. DIGE, J.]

[R. D. DHANUKA, J.]