

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1939 OF 2022

Vikrant Kisanlal Mehta and Others ...Petitioners

Versus

The State of Maharashtra and Others ...Respondents

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Mr. Pandit Kasar, for Petitioners.

Mr. P. P. Pujari, A.G.P., for Respondent No. 1, 5 & 6.

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CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 07, 2023.

P.C.:

1. By this Petition, Petitioners challenge order dated 28 August 2019 passed by the Hon'ble Minister, Cooperation, rejecting Revision Application Nos.134 of 2018 and 798 of 2018. In the Revision Petitions, Petitioners had challenged order dated 16 January 2017 passed by the Divisional Joint Registrar de-registering the Korgaonkar Cooperative Housing Society Ltd., Kolhapur. Petitioners are thus aggrieved by the decision of de-registration of the society.

2. I have heard Mr. Kasar, the learned Counsel appearing for Petitioners. He would submit that the Divisional Joint Registrar took the

decision to de-register the society without grant of any opportunity of hearing to Petitioners. He would submit that the Managing Committee of the society clandestinely moved an application for de-registration of society and without hearing Petitioners, who are members of the society, the society has been de-registered. His next contention is that there is a criminal case filed against the Managing Committee members and ignoring that fact, the society has been permitted to be de-registered. The last contention of Mr. Kasar is that the members of the Managing Committee, instead of developing the land by constructing houses for weaker section of the society, are attempted to grab the land allotted to the Society.

3. I have gone through the orders passed by the Divisional Joint Registrar as well as the Hon'ble Minister, Cooperation. The Divisional Joint Registrar has recorded a finding that the Annual General Meeting of society was held on 26 September 2015 and that a resolution was adopted in that meeting for de-registration of the society as the society was unable to develop the land. It is further recorded by the Divisional Joint Registrar that the land owners repaid an amount of Rs.15,00,000/- to the society which has already been disturbed amongst the members.

4. In the Appeal filed before the Hon'ble Minister, Cooperation,

Petitioners have not disputed the factum of holding Annual General Meeting on 26 September 2015, adoption of resolution for de-registration of society and disbursement of amount received from the original land owner. In the light of the admitted position that the society adopted a resolution in its Annual General Body Meeting for de-registration of society, the Petitioners cannot now be permitted to take a volte face and question the resolution adopted in the meeting of the society. Even in the present Petition, the petitioners have not disputed the fact that the Annual General Meeting of the society was held on 26 September 2015 and that resolution for de-registration of society was adopted in the said meeting. The Petitioners have also not disputed the fact that the amount received by the society from the original land owner has been disbursed amongst the members. In that view of the matter, no fault can be found with the orders passed by the Divisional Joint Registrar or by the Hon'ble Minister, Cooperation.

5. Writ Petition being devoid of merits is dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)