



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2201 OF 2023

Chandrakant Ragho Kamble

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Rakesh Bhatkar, for the Petitioner.

Mr. S. H. Kankal, AGP, for the Respondent Nos.1 & 2-State.

Mr. Mohan N. Devkule, for Respondent No.3.

Mr. Deelip Bankar Patil, Chief Standing Counsel, SCEA, for Respondent No.5-DCEO.

CORAM : MADHAV J. JAMDAR, J.

DATED : 28th AUGUST 2023

P.C. :

1. At the outset, Mr. Bhatkar, learned counsel appearing for the Petitioner seeks leave to add the District Cooperative Election Officer & DDR, Ratnagiri as Respondent No.5, in view of order dated 13th May 2020 passed by a learned Single Judge. Leave to amend. Amendment be carried out forthwith. Re-verification is dispensed with.

2. By the present Writ Petition, the Petitioner has impugned

the order dated 17th March 2020 passed by the Divisional Joint Registrar, Co-operative Societies, Kokan Division, Navi Mumbai under Section 78A(1)(B) of the Maharashtra Cooperative Societies Act, 1960 (hereinafter referred to as **“the said Act”**).

3. It is the contention of learned counsel appearing for the Respondents that there is alternate remedy of appeal under Section 152 of the said Act.

4. Mr. Bhatkar, learned counsel appearing for the Petitioner states that the reasons for filing the Writ Petition are explained in paragraph 10 of the memo of Writ Petition. He states that at the relevant time, COVID-19 pandemic was going on and lockdown was imposed therefore, Writ Petition was filed. He states that liberty be granted to the Petitioner to adopt alternate remedy as contemplated under Section 152 of the said Act.

5. Accordingly, leave as prayed is granted. If appeal is filed under Section 152 of the said Act challenging the impugned order within 60 days from today, the same be entertained by the State Government without raising objection to the limitation, as the present Writ Petition is pending from 23rd

March 2020 till today. This is to avoid further delay in considering the challenge to the impugned order on merits.

6. It is clarified that the Petitioner can apart from impugning the order dated 17th March 2020 passed by the Divisional Joint Registrar, Cooperative Societies, Kokan Division, Navi Mumbai can also seek interim relief in such appeal.

7. However, it is clarified that order dated 13th May 2020 passed by a learned Single Judge in this Writ Petition directing that in the meantime, the administrator shall not hold any election is not continued.

8. As the impugned order is dated 17th March 2020, the appeal filed challenging the same shall be decided expeditiously.

9. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]