

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11267 OF 2022

Khwaja Garib Nawaz Co-op.
Hsg. Soc. Ltd.

...Petitioner

V/s.

Divisional Joint Registrar Co-op.
Soc. Mumbai Division and Ors.

..Respondents

Mr. Vijay Kurlle with Mr. Chandrashekhkar Acharya and Mr. Aziz Wadhwania, for the Petitioner.

Mr. C.D. Mali, AGP for State-Respondent Nos. 1 and 2.

Mr. T.D. Deshmukh a/w. Mr. H.D. Chavan for Respondent No.3-MHADA.

Mr. Rajesh Kanojiya a/w. Ms. Bushra Sayed i/by. V. Shukla & Associates for Respondent No.4.

CORAM : SANDEEP V. MARNE, J.

Dated : 16 October 2023.

P.C. :

1. Heard learned counsel for the parties.
2. The present petition is filed challenging order dated 21 March 2022 passed by the Divisional Joint Registrar rejecting the

application for stay filed by the Petitioner-Proposed Society. The Petitioner-Proposed Society is aggrieved by registration granted in favour of Respondent No.4-Society.

3. Mr. Kurle, learned counsel appearing for the Petitioner would submit that the hearing of Appeal No. 273/2021 is pending before the Divisional Joint Registrar and is at an advanced stage. In that view of the matter, instead of deciding the correctness of the order dated 21 March 2022, it would be appropriate to dispose off the present petition with a direction to the Divisional Joint Registrar to decide Appeal No. 273/ 2021 in an expeditious manner.

4. Accordingly, the present petition is disposed off with a direction to the Divisional Joint Registrar to decide Appeal No. 273/2021 as expeditiously as possible, preferably within two months from today. Till disposal of Appeal No. 273/2021, Respondent No.4-Society shall not take any policy decision with regard to the redevelopment of the land in question. However, this direction will not preclude Respondent No.4-Society from prosecuting Writ Petition No. 37570/2022 pending before the Division Bench of this Court.

5. It is clarified that this Court has not considered the merits of the petition. All the contentions of the parties are left open.

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SHAILESH
SAWANT

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NEETA SHAILESH
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Date: 2023.10.17
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SANDEEP V. MARNE, J.