



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12559 OF 2023

A. N. Acharekar & Ors.

...Petitioners

Versus

District Deputy Registrar

Co-operative Societies,

Mumbai City-I & Ors.

...Respondents

Mr. Shantanu Raktate i/b Mr. Amar Parsekar, for the Petitioners.

Ms. Anusha P. Amin i/b Ms. Dipti Khare-Bagwe, for Respondent Nos.3 & 4.

Mr. C. D. Mali, AGP, for the State/Respondent Nos.1 & 5 to 7.

CORAM : MADHAV J. JAMDAR, J.

DATED : 31st OCTOBER 2023

P.C.

1. Heard Mr. Shantanu Raktate, learned counsel appearing for the Petitioners, Ms. Anusha Amin, learned counsel appearing for Respondent Nos.3 and 4 and Mr. C. D. Mali, learned AGP appearing for Respondent Nos.1 & 5 to 7.
2. Ms. Anusha Amin, learned counsel appearing for Respondent Nos.3 and 4 states that she will file her *Vakalatnama* on behalf of Respondent Nos.3 and 4 within one week from today.
3. The Petitioners who are the members and shareholders of Respondent No.3 - Society registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 (“said Act”) are

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challenging the legality and validity of the order dated 17th January 2023 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai in Appeal No.30 of 2019.

4. It is the contention of learned counsel appearing for the Petitioners that in fact, they have filed Revision Application No.95 of 2023 under Section 154 of the said Act challenging the legality and validity of the said order dated 17th January 2023. He states that said Revision Application No.95 of 2023 was heard by the Hon'ble Minister on 17th May 2023 and the same was closed for orders. However, the Hon'ble Minister has neither passed any final order in the Revision nor considered the Stay Application filed in the said Revision. Learned counsel appearing for the Petitioners states that the stay was operating from 17th December 2019 till 17th January 2023 before the Divisional Joint Registrar and even today the position remains the same as on 17th January 2023 and that status quo be directed to be maintained till the Hon'ble Minister decides the Revision Application.

5. Learned counsel appearing for Respondent Nos.3 & 4 objects to the granting of status quo order. However, the factual position on record shows that the said status quo was operating from 17th

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December 2019 till 17th January 2023 i.e. for almost four years. It is the contention of learned counsel appearing for the Petitioners that the present position as on 17th January 2023 is also the same. The said contention is not controverted by learned counsel appearing for Respondent Nos.3 and 4. Therefore, in the interest of justice, the said status quo order is required to be extended till the Hon'ble Minister decides the aforementioned Revision Application.

6. In view of the above position, after taking instructions, Mr. Mali, learned AGP appearing for Respondent Nos.1 & 5 to 7 states that final Order in the Revision Application No.95 of 2023 shall be passed within two months from today.

7. Accordingly, the Writ Petition is disposed of in by passing the following Order:-

ORDER

a. The Hon'ble Minister for Co-operation, Mantralaya, Mumbai is requested to pass the final Order in Revision Application No.95 of 2023 within two months from today.

b. Till the said Revision Application No.95 of 2023 is disposed of, the Order dated 17th December 2019

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passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai granting status quo shall remain in operation.

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

[MADHAV J. JAMDAR, J.]