

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 12238 OF 2018

Mr.Prashant H. Pimpalkar. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Siddharth Pilankar i/b. Dr.Uday Warunjikar for the Petitioner.

Mr.B.V.Samant, AGP for Respondent Nos.1 to 4.

Mr.Kamlakar L. Koli for Respondent Nos.5 to 11.

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CORAM : **NITIN JAMDAR, AND
SANDEEP V. MARNE, JJ.**

DATE : **31 July 2023.**

P.C. :

The Petitioner has sought writ of mandamus to Respondent No.4- the Police Sub Inspector, Tulunj Police Station, Vasai, district- Palghar to act as per the communication of Respondent No.3- Tahasildar, Vasai, district- Palghar dated 12 July 2018.

2. On 6 July 2018, Respondent No.2- Deputy Registrar of Co-operative Societies, Vasai wrote to Respondent No.3- Tahasildar, the Executive Magistrate under section 80 of the Maharashtra Co-operative Societies Act, 1960 that ex-office bearers of one Kaveri Co-operative Housing Society are refusing to hand over the records of the society. Based on this communication dated 6 July 2018,

Respondent- Tahasildar and Executive Magistrate has issued certain directions to the Respondent No.4- Police Inspector. Since these directions were not complied with, the Petitioner filed this petition.

3. The petition is pending since 2018. Various orders have been passed. It is sought to be placed on record that records are not available. We are informed that now new committee of the co-operative society has taken charge. Therefore, without referring to the subsequent developments, the direction simplicitor as sought by the Petitioner, cannot be issued.

4. Accordingly, keeping all contentions open, we dispose of writ petition by directing Respondent No.2 to examine whether the request made by the Petitioner to Respondent No.2 by communication dated 26 May 2018 (received on 29 May 2018) for invocation of power under section 80 of the Act of 1960 is necessary in the present circumstances. If the Registrar opines that it is necessary to do so even in the changed circumstances, then it is open to the Registrar to proceed further under section 80 of the Act. If in view of subsequent developments invocation of section 80 of the Act is not necessary, it is open to the Registrar to write to the Tahasildar accordingly as to not to proceed to implement the earlier order.

5. Writ petition is accordingly disposed of.

(SANDEEP V. MARNE, J.)

(NITIN JAMDAR, J.)