

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13234 OF 2023

Sundar Sadhnani (Chairman of Khar Shivshakti Co-operative Housing Society Ltd.) & ors. .Petitioners

Vs.

The Divisional Joint Registrar, C.S.M.D., Mumbai & ors. .Respondents

Mr. Chetan Yadav a/w. Ms. Pratibha Tiwari & Mr. Allen Mathew
i/b. R. V. & Co., Advocate, for the Petitioners
Mr. A. P. Vanarase, AGP, for Respondent Nos. 1, 2 & 6 – State
Mr. S. P. Nalawade, Advocate, for Respondent No. 4
Mr. S. M. Karale, Co-op. Officer, Divisional Joint Registrar's office
present
Mr. Sandesh Balkrishna Patil, Administrative Officer present

CORAM : MADHAV J. JAMDAR, J.

DATE : 31.10.2023

P. C.

1. Heard Mr. Yadav, learned counsel appearing for the Petitioners, Mr. Nalawade, learned counsel appearing for Respondent No. 4 and Mr. Vanarase, learned AGP appearing for Respondent Nos. 1, 2 & 6.

2. By the present Writ Petition, the Petitioners, who are the officer bearers of Respondent No. 5 – Society are challenging the legality and validity of the order dated 25.09.2023 passed by the Deputy Registrar, Co-operative Societies, H-West Division,

Mumbai in proceedings filed under Sections 75(5) & 77(A) of the Maharashtra Co-operative Societies Act, 1960. However, the same order is also impugned in the Revision Application No. 506 of 2023 filed before the Divisional Joint Registrar.

3. Mr. Yadav, learned counsel appearing for the Petitioners states that the present Petition has been filed, as inspite of the pendency of the said Revision Application, the concerned authorities are taking speedy steps on the basis of the said order dated 25.09.2023 and orders are not passed in the said Revision Application. However, Mr. Vanarase, learned AGP appearing for Respondent Nos. 1, 2 & 6, on instructions, states that the said Revision Application itself will be decided within six weeks from the date of appearance of the parties.

4. Mr. Yadav, learned counsel appearing for the Petitioners requests that the order dated 25.09.2023 be not implemented till disposal of the said Revision Application.

5. Mr. Nalawade, learned counsel appearing for Respondent No. 4 states that if the disposal of said Revision Application is made time bound then he has no objection, if the

impugned order dated 25.09.2023 is stayed.

6. Accordingly, the following order is passed.

O R D E R

(i) All the contesting parties including the Petitioners and Respondent No. 4 to remain present on 23.11.2023 at 11.00 a. m. before the Divisional Joint Registrar, C. S. M. D., Mumbai before whom the said Revision Application No. 506 of 2023 is pending;

(ii) The Divisional Joint Registrar to decide the said Revision Application No. 506 of 2023 as expeditiously as possible and in any event on or before 31.01.2024;

(iii) Till disposal of the said Revision Application, the impugned order dated 25.09.2023 passed by the Deputy Registrar, Co-operative Society, H-West Division, Mumbai shall remain stayed;

(iv) The accounts which are freezed by Respondent No. 2 shall be de-freezed within a period of three days from today;

(v) The Petitioners, who are the office bearers of Respondent No. 5 - Society shall not take any major policy decision till the disposal of the Revision Application No. 506 of 2023;

(vi) It is clarified that this Court has not considered the merits and all the contentions on merits of all contesting parties are expressly kept open.

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

(MADHAV J. JAMDAR, J.)