

Anand

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

WRIT PETITION NO. 15909 OF 2023

Riyazuddin Shaikh (Ex-Chairman) & Ors. .Petitioners

Vs.

Rahamutalla Khamkar & Ors. .Respondents

**WITH
WRIT PETITION (ST) NO. 34991 OF 2023**

Riyazuddin Shaikh (Ex-Chairman) & Ors. .Petitioners

Vs.

Rahamutalla Khamkar & Ors. .Respondents

Mr. Kishor Patil i/b. Mr. P.B. Rahade, Advocate, for the
Petitioners

Mr. S.D. Rayrikar, AGP, for Respondent Nos. 3 & 4 – State

Mr. Rahamutalla Khamkar, Respondent No. 1 is present

CORAM : MADHAV J. JAMDAR, J.

DATE : 22.12.2023

P. C.

1. **Writ Petition (Stamp) No. 34991 of 2023** is not on
board. Upon mentioning taken on board.

2. Heard Mr. Patil, learned Counsel appearing for the
Petitioners, Mr. Rayrikar, learned AGP appearing for Respondent
Nos. 3 & 4 and Mr. Khamkar, Respondent No. 1 in-person.

3. In both the Writ Petitions filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 04.12.2023 (“**impugned Order**”) passed by Respondent No. 4 – the Divisional Joint Registrar, Mumbai under Section 75(5) of the *Maharashtra Co-operative Societies Act, 1960* (“**said Act**”) by which interim stay is refused.

4. After arguing the matter for some time, Mr. Patil, learned Counsel appearing for the Petitioners requested that the hearing of the Revision Application No. 489 of 2023 and Appeal No. 341 of 2023 pending before the Divisional Joint Registrar, Mumbai may be expedited.

5. Mr. Rayrikar, learned AGP appearing for Respondent Nos. 3 & 4 on instructions states that the Appeal No. 341 of 2023 and the Revision Application No. 489 of 2023 will be disposed of as expeditiously as possible.

6. Accordingly, the Writ Petitions are disposed of by passing the following order.

O R D E R

(i) Both the contesting parties i.e. the Petitioners and Respondent No. 1 – Rahamutalla Khamkar to appear before the Divisional Joint Registrar, Mumbai on **04.01.2024** at **12.00 noon**;

(ii) The Divisional Joint Registrar, Mumbai to dispose of the Appeal No. 341 of 2023 and the Revision Application No. 489 of 2023 as expeditiously as possible and in any event, **on or before 31.01.2024**;

(iii) The Divisional Joint Registrar, Mumbai to dispose of the said Appeal and Revision Application, without being influenced by the impugned order;

(iv) Both the parties to co-operate with the Divisional Joint Registrar, Mumbai for disposal of the matters as expeditiously as possible and in any event, on or before 31.01.2024;

(v) It is further clarified that if the said Appeal No. 341 of 2023 and the said Revision Application No. 489 of 2023 are allowed in favour of the Petitioners then further steps pursuant to such order shall be taken immediately.

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

(MADHAV J. JAMDAR, J.)