



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4165 OF 2024

NARHARI KERBA SHINDE AND OTHERS

VERSUS

THE DIVISIONAL JOINT REGISTRAR CO OPERATIVE SOCIETIES AND
OTHERS

WITH

CIVIL APPLICATION NO. 12615 OF 2024

Mr.S.B. Choudhari, Advocate for the petitioners.

Mr.P.D. Patil, AGP for the respondent-State.

Mr.N.D. Kendre, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 29.11.2024

PC :-

01. It is pointed out that the petitioner had already preferred Savkari Appeal no. 7 of 2024 before the Divisional Joint Registrar, Co-operative Societies, Chh.Sambhajinagar. There is stay granted to the order passed by the District Deputy Registrar. Now, it is informed that the learned Joint Registrar, Co-operative Societies, Chh. Sambhajinagar is available and the proceeding can be entertained by the said Authority. The learned Advocate for the petitioner submits that since already there is interim relief granted by this Court, same be continued till the Registrar decides the stay application in the appeal.

02. This petition is vehemently opposed by the learned Advocate

Mr. N.D. Kendre. He submits that the petitioner was pursuing two remedies simultaneously and it is for this reason the Savkari Appeal came to be dismissed by the Authority by order dated 29.10.2024. He also points out that the conduct of the petitioner stating that on 07.06.2024 itself the petitioner had undertaken to withdraw present writ petition. However, he still continued with the writ petition, since, there was interim relief granted by this Court. On this, the learned Advocate for the petitioner submits that in the appeal the learned Divisional Joint Registrar was not considering the stay application and it is for this reason, he was required to approach this Court by filing the writ petition. He submits that if the Authority is ready to consider the stay application, then the relief granted in the writ petition may be continued.

03. In view of the above, the following order :-

- (i) Appeal No. 7 of 2021 stands restored to its original position before the Divisional Joint Registrar, Co-operative Societies, Chh. Sambhajinagar.
- (ii) Impugned order dated 29.10.2024 is quashed and set aside.
- (iii) Interim relief granted by this Court in this Writ Petition

vide order dated 22.04.2024 to continue for period a of four weeks from today, within which the Authority is expected to decide the stay application in Appeal No. 7 of 2024.

- (iv) This writ petition is accordingly allowed and is disposed off.
- (v) In view of disposal of the writ petition, pending civil application for amendment does not survive and same is also disposed off.

[KISHORE C. SANT, J.]