

VRJ

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

**WRIT PETITION NO.684 OF 2024
WITH
WRIT PETITION (ST.) NO.1551 OF 2024**

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RAMESH
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Sunil Mehta & Ors.

... Petitioners

V/s.

The Hon'ble Minister for Cooperation
and Textile & Ors.

... Respondents

Mr. N. N. Bhadrashete i/by Ms. Priyanka Bhadrashete
for the petitioners.

Mr. Prashant P. Kulkurni with Ms. Rachna Mamnani for
respondent No.5.

Ms. V. S. Nimbalkar, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2024

P.C.:

1. Writ Petition (St.) No.1551 of 2024 is not on board. Since common question of law and facts are involved, it is taken on board and both the petitions are disposed of by common order.

2. Challenge in these writ petitions is to the order dated 29th December 2023 passed by respondent No.1 setting aside order of interim relief granted in favour of the petitioners in an appeal challenging orders passed under sections 78A and 77A of the Maharashtra Cooperative Societies Act, 1960, thereby appointing Administrator over respondent No.7-society.

3. On perusal of the order dated 7th August 2023, it appears that the Divisional Joint Registrar protected the petitioners during pendency of the appeal based on reasons assigned in the order. However, the respondent No.1 by impugned order interfered with the exercise of discretion at interim stage. On careful perusal of the reasons assigned by respondent No.1, in my opinion, no exceptional case was made out before the Minister to interfere with the interim order protecting the petitioners against whom order of appointment of Administrator was passed. It is not in dispute that the petitioners are elected managing committee members of housing society. Hence, the impugned order cannot be sustained. Hence, following order:

- a) The impugned order dated 29th December 2023 passed by respondent No.1 in Revision Application Nos.475 of 2023 and 486 of 2023 is quashed and set aside.
 - b) The Divisional Joint Registrar shall decide the Appeal Nos.259 of 2023 and 260 of 2023 on its own merits uninfluenced by the reasons assigned by the Minister or this Court.
4. The writ petitions stand disposed of. No costs.
5. The appeals be decided as expeditiously as possible.

(AMIT BORKAR, J.)