

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

WRIT PETITION NO.752 OF 2024

Mohammad Salim Abdul Sattar Nagani	] .. Petitioner
<i>Versus</i>	
1. The Deputy Registrar,	]
Co-operative Societies, Bandra, Mumbai.	]
2. The Divisional Joint Registrar,	]
Co-operative Societies, Mumbai Division.	]
3. Rafiq Mehboob Khalifa	]
4. Sunita Ravikishor Gorge	]
5. Suryakant Baburao Jadhav	]
6. Nilam Vasant Pawar	]
7. Yakub Bashir Shaikh	]
8. Malwani Sankal Siddhi CHSL	]
9. Ramdas Argade, Authorized Officer,	]
The Deputy Registrar, Co-op. Societies.	]
10. The Hon'ble Minister for Co-operation	]
11. The State of Maharashtra	] .. Respondents

Mr. Shantanu Raktate, i/by Mr. Amar Parsekar, for the Petitioner.
Mr. R.P. Kadam, AGP for Respondent Nos.1, 2, 10 and 11.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 18TH JANUARY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Considering the nature of directions proposed to be issued, service on respondent nos.3 to 9 is dispensed with. The learned AGP waives notice for respondent nos.1, 2, 10 and 11.

2. RULE. Rule made returnable forthwith and heard learned counsel for the parties.

3. The petitioner came to be removed as Member of the Managing

Committee of the respondent no.8-Co-operative Housing Society, under Section 75(5) of the Maharashtra Co-operative Societies Act, 1960, by the order dated 27th July 2023 passed by the Deputy Registrar, Co-operative Societies. Being aggrieved, the petitioner filed an appeal under Section 152 of the said Act of 1960 before the Divisional Joint Registrar, Co-operative Societies. While his appeal was admitted, the stay application preferred by the petitioner was rejected on 13th December 2023. Being aggrieved by the rejection of the stay application, the petitioner has filed a revision application under Section 154 of the Act of 1960. In that revision application, the stay application has been moved and it is the grievance of the petitioner that the said stay application is not being entertained. In the meanwhile, on 4th January 2024, an order appointing the Administrator has also been passed. In these facts, the petitioner prays for early consideration of the stay application.

4. Considering the aforesaid facts and as the petitioner stands disqualified under Section 75(5) of the Act of 1960, it is directed that within a period of two weeks of receiving copy of this order, the State Government, through respondent no.10, shall consider the stay application preferred by the petitioner in the pending revision application. After hearing the petitioner and all concerned parties, the stay application be decided on its own merit in accordance with law. All points raised on merits are kept open.

5. Rule is disposed of in aforesaid terms with no order as to costs.

6. Parties to act on authenticated copy of this order.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]