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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2690 OF 2015
WITH
WRIT PETITION NO. 2692 OF 2015
WITH
WRIT PETITION NO. 2693 OF 2015
WITH
WRIT PETITION NO. 2691 OF 2015**

Shivraj Nagar Co-op. Hsg. Soc. Ltd
through Chairman/Secretary, Near Nitin
Company, Almeida Road, Panchapakahadi,
Thane(W)- 400 602. ... Petitioner

vs.

- 1) Nandivardhan Construction Pvt Ltd
Through Director & Authorised Signatory,
Shri A.N. Mutha, R/at Bungalow No.1,
Shivraj Nagar Co-op, Hsg. Soc. Ltd.,
Near Nitin Company, Almeida Road,
Panchapakahadi, Thane(W).
- 2) The Deputy Registrar,
Cooperative Societies, Thane City,
Vardhavat Mansion, 2nd floor, Shivaji road,
Thane (W), District Thane.

3) The Divisional Joint Registrar,
Co-operative Societies, Kokan Division,
Kokan Bhavan, 3rd Floor,
Navi Mumbai – 400 614.

... Respondents

Mr. Ashutosh Ravindra Gole, for Petitioner.

Ms. Rama Subramanian for Respondent No.1.

Mr. B.B. Dahiphale, AGP for State.

CORAM : GAURI GODSE, J.

DATED : 14th FEBRUARY, 2024

P.C. :-

1. After arguing the petition for sometime, learned counsel appearing for respondent no.1 on instructions states that considering the objections raised on behalf of the petitioner society, the respondent no.1 is agreeable to file a fresh application for membership by following all the necessary requirements under Maharashtra Cooperative Societies Act, Maharashtra Cooperative Societies Rules and applicable bye-laws. She further submits that such fresh applications will be filed within a period of two weeks from today.

2. In view of the aforesaid statement, learned counsel appearing

for the petitioner on instructions states that if such application is filed, the same will be considered independently uninfluenced by the order impugned in the petition and the same will be decided in accordance with law. He submits that the same will be decided within a period of 90 days as permissible in law.

3. In view of the aforesaid, no further adjudication is required in the petition. Since, the parties have agreed that a fresh application will be made by respondent no. 1 for fresh membership and same will be decided, petitions are disposed of by passing following order:

(i) **WRIT PETITION NO. 2690 OF 2015**

Writ petition is allowed in terms of prayer clause (a) which reads as under:

“a. That the record and proceedings of the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-Operative Societies, Konkan Division in the Revision Application No.53 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.24 of 2009, be called for and after examining the legality, validity and propriety of the same, the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-operative Societies, Konkan Division in the Revision Application No.53 of 2013 arising out of judgment

and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.24 of 2009, be quashed and set aside and the Appeal No.24 of 2009 be dismissed.”

(ii) **WRIT PETITION NO. 2692 OF 2015**

Writ petition is allowed in terms of prayer clause (a) which reads as under:

“a. That the record and proceedings of the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-Operative Societies, Konkan Division in the Revision Application No.52 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No. 22 of 2009, be called for and after examining the legality, validity and propriety of the same, the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-operative Societies, Konkan Division in the Revision Application No.52 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.22 of 2009, be quashed and set aside and the Appeal No.22 of 2009 be dismissed.”

(iii) **WRIT PETITION NO. 2693 OF 2015**

Writ petition is allowed in terms of prayer clause (a) which reads as under:

“a. That the record and proceedings of the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint

Registrar, Co-Operative Societies, Konkan Division in the Revision Application No.81 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.21 of 2009, be called for and after examining the legality, validity and propriety of the same, the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-operative Societies, Konkan Division in the Revision Application No.81 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.21 of 2009, be quashed and set aside and the Appeal No.21 of 2009 be dismissed.”

(iv) **WRIT PETITION NO. 2691 OF 2015**

Writ petition is allowed in terms of prayer clause (a) which reads as under:

“a. That the record and proceedings of the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-Operative Societies, Konkan Division in the Revision Application No.82 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No.23 of 2009, be called for and after examining the legality, validity and propriety of the same, the judgement and order dated 07/11/2014 passed by the Ld. Divisional Joint Registrar, Co-operative Societies, Konkan Division in the Revision Application No.82 of 2013 arising out of judgment and order dated 04/04/2009 passed by the Respondent No.2 in Appeal No. 23 of 2009, be quashed and set aside and the Appeal No.23 of 2009 be dismissed.”

(v) Respondent No.1 is permitted to file fresh applications for membership in terms of the statement recorded above within a period of two weeks from today.

(vi) Petitioner shall decide the applications in terms of the statement made above within a period of 90 days from the date of application.

4. Writ petitions are disposed of in above terms.

5. It is clarified that since the petitions are disposed of in view of the aforesaid statements, all contentions of all parties are kept open.

(GAURI GODSE, J.)