

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2798 OF 2024

Dhanraj Dilipsingh Shinde & Ors. ...Petitioners

Versus

The State of Maharashtra,
through Minister of Co-operation & Ors. ...Respondents

Mr. Kalpesh Patil i/b. Mr. Pratik Deshmukh for the Petitioners.

Mr. Manoj A. Patil for Respondent No.4.

Mr. S. P. Shetye, AGP for Respondent-State.

**CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.**

DATE : 18th MARCH 2024.

P.C. :-

1. Rule.

2. Considering the nature of directions proposed to be issued service on Respondent No.5 is dispensed with. The learned Assistant Government Pleader waives notice for Respondent Nos.1 to 3 and Mr. Patil for Respondent No.4.

3. The Petitioners being aggrieved by the order dated 6th June 2023 appointing an authorised Inquiry Officer under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (for short “the said Act”) filed an appeal challenging the same. During pendency of the appeal,

the said order dated 6th June 2023 came to be stayed on 6th November 2023. The appeal preferred by the Petitioners was dismissed on 9th February 2024. Being aggrieved by the order passed by the Divisional Joint Registrar, the Petitioners have filed a Revision Application under Section 154 of the said Act before the State Government. Along with the Revision Application, a separate application for grant of stay has also been preferred. The Petitioners seek expeditious consideration of their interim prayer for stay.

4. Considering the fact that the Petitioners' Revision Application is pending before the State Government and the stay application is not yet decided, the following order would serve the ends of justice:-

- (i) The Respondent No.1/Secretary, Department of Co-operation, Mantralaya shall consider the application for stay that has been preferred by the Petitioners along with the Revision Application filed by the Petitioners within a period of two weeks of receiving copy of this order. Till such time, the stay application is decided, the earlier order dated 6th November 2023 passed by the Appellate Authority shall continue to operate. However, it is clarified that this direction is without prejudice to the rights and contentions of Respondent No.4. It is also clarified that all points raised by parties are kept open

for consideration. The stay application be decided on its own merits after hearing all the parties.

(ii) **Rule** is disposed of in the aforesaid terms.

(iii) Parties to act on an authenticated copy of this order.

5. The Petitioners as well as representative of Respondent No.4-Society shall remain present before the Hon'ble Minister/Secretary, Co-operation Department on 26th March 2024 at 11:30 a.m.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]