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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9191 OF 2023**

Vally Shilp (High) Co-op Hsg. ... Petitioner
Society Ltd.

Vs.

The Government of Maharashtra ... Respondents
through Minister of Co-operation
Dept and Others.

Mr. Prashant Jadhav a/w. Ms. Nishigandh Patil for the Petitioner.

Mr. Drupad Patil a/w. Mr. Prasad Keluskar for the Respondents.

Ms. S. S. Bhende, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 12th MARCH 2024

P.C.

1. This petition takes an exception to the order dated 3rd March 2023 passed by the learned Minister. By the said order implementation of the direction to execute order of bifurcation of the society is stayed.

2. The impurged order is passed in Appeal No. 339 of 2022 which is filed for challenging order dated 31st May 2022 in an application filed by the petitioner-society for implementing order of bifurcation.

3. Learned counsel for respondent no. 2 submits that the main appeal i.e. Appeal No. 296 of 2021 challenging the order of bifurcation is still pending. He thus, submits that if order dated 31st May 2022 directing implementation of order of bifurcation is not stayed the main appeal challenging the order of bifurcation will be rendered infructuous. He thus, submits that the main appeal i.e. Appeal No. 296 of 2021 and the subsequent Appeal No. 339 of 2022 are still pending.

4. Learned AGP submits that in the impugned order itself the next date of hearing was stated as 4th May 2023.

5. Learned counsel for the petitioner as well as learned counsel for respondent no. 2 states on instructions that both the appeals are still pending. Since the main appeal challenging the order of bifurcation is still pending adjudication before the State Government, I do not see any reason to interfere with the impugned order granting stay to the order of 31st May 2022.

6. If the said order dated 31st May 2022 is not stayed it will render the main appeal challenging bifurcation of the society infructuous. Hence, I do not see any reason to invoke powers under Article 227 of

the Constitution of India for interfering in the impugned order.

7. It is however, clarified that parties are at liberty to make appropriate application for early hearing of both the appeals. The main appeal is pending since 2021. I do not see any reason why the application for fixing early date of hearing will not be entertained by the State Government.

8. Hence, for the aforesaid reasons writ petition is dismissed, with liberty as recorded above.

[GAURI GODSE, J.]