

VRJ

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

WRIT PETITION NO.5111 OF 2024

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Yogesh Shetty & Ors.

... Petitioners

V/s.

The State of Maharashtra,
Through the Minister, Cooperation,
Marketing and Textile Department &
Ors.

... Respondents

Mr. Umesh Shetty, Senior Advocate with Ms. Sharila D'Souza, Mr. Gopal Krishna Nayar and Ms. Gauri Deshpande i/by Flavia Legal for the petitioner.

Mr. Kunal Dwarkadas with Mr. Nitesh Ranavat, Mr. Akshit Dedhia, Mr. Rahul Deshpande i/by Wadia Ghandy & Co. for respondent No.4.

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

Mr. Bhuvan Thakker with Ms. Riya Pednekar i/by Doshi and Co. for respondent Nos.6, 7 and 9.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2024

P.C.:

1. The petitioners challenged the action of the authority under the Maharashtra Cooperative Societies Act, 1960 taken in exercise of power under section 78A of the Act mainly on the ground that on the date of becoming members of the society, the petitioners were ineligible to become members. The question which arises for consideration is whether on that ground, the impugned action

could have been initiated by the authorities under the Maharashtra Cooperative Societies Act, 1960.

2. It appears that during pendency of the writ petition, the Deputy Registrar has passed an order under section 78A(1)(b) of the Maharashtra Cooperative Societies Act, 1960 thereby substituting committee of administrators in place of single administrator.

3. Mr. Umesh Shetty, learned Senior Advocate appearing for the petitioners states that the petitioners are still in-charge of the affairs of the society; however, respondents contested this position. Therefore, both parties are directed to file affidavit before next date to establish their position as recorded above.

4. Therefore, till 16 April 2024, status quo as of today shall be maintained by the parties.

5. Stand over to 16 April 2024 under the caption “**for circulation**”.

6. To be heard along with Writ Petition No.5312 of 2024.

(AMIT BORKAR, J.)