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

**WRIT PETITION (ST) NO. 10508 OF 2024**

K. Subramaniam and Anr.

.. Petitioners

**Versus**

The Ld. Divisional Joint Registrar and Ors.

.. Respondents

- .....
- Mr. Suraj Gothwal, Advocate i/by Kinjal Khandelwal for the Petitioners.

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : APRIL 24, 2024.**

**P.C.:**

- 1.** Not on Board. Mentioned at the time of rising of the Court at 6:00 p.m. Considering the grave urgency, taken on Board.
- 2.** Heard Mr. Gothwal, learned Advocate for the Petitioners.
- 3.** Writ Petition is filed by two individuals namely, Petitioner No.1 who is the Chairman and Petitioner No.2 who is the Treasurer of the Dosti Acres Co-operative Housing Society Limited, who have been disqualified alongwith the Secretary of the Society from the Managing Committee of the Society by the original impugned order passed by the Assistant Registrar on 16.12.2022.
- 4.** It is seen that on private Respondent No.3's complaint the impugned order has been passed. Grievance expressed and the reasons for disqualification are stated in the impugned order. Despite 1/5<sup>th</sup>

members of the Society having given requisition to the Managing Committee of the Society for calling the SGM, the Managing Committee failed to do so. However, Mr. Gothwal would submit that the SGM was infact called for but the allegation is that the agenda in the requisition was not discussed. According to him infact the agenda was discussed.

**5.** Be that as it may, disqualification of 3 Managing Committee members has been effected by the Assistant Registrar i.e. of the Secretary, Chairman and Treasurer of the Society only. Tenure of the said Managing Committee is from September, 2019 to August, 2024 it is virtually the last year of their tenure. It is seen that against the order of disqualification, review was filed by the 3 aggrieved members before the Divisional Joint Registrar who by order dated 24.01.2023 had initially stayed the order, but finally by the impugned order dated 21.02.2024 has dismissed the Revision and confirmed the impugned order of the Assistant Registrar. Substantive challenge is maintained to both the twin orders in the present Writ Petition.

**6.** Mr. Gothwal would submit that in the facts of the above case, all that the Writ Petitioners would require is an honourable exit in respect of the proceedings, rather the complaint filed against the Managing Committee of which the Chairman, Secretary and Treasurer have been made a scape goat and consequently punished. He would

submit that in the interregnum pursuant to the order dated 16.12.2022, Petitioners did not take part in any of the proceedings of the Managing Committee and the Managing Committee was infact managed by the other members of the Managing Committee. He would argue that when a collective decision is taken by the Managing Committee and the General Body, it would be unfair to single out only the 3 office bearers.

**7.** I have perused the impugned order dated 16.12.2022 at the request of Mr. Gothwal and I find that the present Writ Petition deserves an expeditious hearing in view of the fact that a finality to the issue involved is required so that the Writ Petitioners can have an honourable exit, if they are right. Most importantly because elections will be due this year.

**8.** In that view of the matter, the impugned order dated 21.02.2024 shall stand stayed and shall not be acted upon. No coercive steps shall be taken against the Writ Petitioners in view of the impugned order dated 21.02.2024.

**9.** It is also informed by Mr. Gothwal that the impugned order was not even served upon the Petitioners and when the Petitioners got the knowledge of passing such an order, the Petitioners immediately rushed before this Court by filing the present Writ Petition.

**10.** In view of the above, issue notice to the Respondents. Humdast permitted.

**11.** In addition to Court notice, Petitioners are permitted to serve a copy of the Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

**12.** After receiving notice, Respondents are directed to file their Affidavit-in-Reply on or before the next date, if so desired.

**13.** It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

**14.** Stand over to **08<sup>th</sup> May, 2024**.

[ MILIND N. JADHAV, J. ]

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