

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5745 OF 2024

Himraj Madhusudan Sawant and Ors. .. Petitioners
Versus
Divisional Joint Registrar and Ors. .. Respondents

WITH
WRIT PETITION NO.5746 OF 2024

Kalpna Srinivasan Venkatesh and Anr. .. Petitioners
Versus
Divisional Joint Registrar and Ors. .. Respondents

WITH
WRIT PETITION NO.5747 OF 2024

Vinod Fakirchand Salve .. Petitioner
Versus
Divisional Joint Registrar and Ors. .. Respondents

-
- Mr. Kishor Patil i./by Mr. Pratik Rahade, Advocate for Petitioners.
 - Ms. M. S. Srivastava, AGP for Respondent – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 23, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Patil, learned Advocate for Petitioners in all Writ Petitions and Ms. Srivastava, learned AGP for Respondent – State.
- 3.** Perused the praecipe dated 23.04.2024 and the Writ Petitions.
- 4.** Petitioners in above three Writ Petitions are before this

Court who are part of 9 member committee of the Society who have been indicted by the Competent Authority in proceedings initiated under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (for short '**the said Act**').

5. By virtue of the impugned order dated 15.03.2024, the orders passed by Enquiry Officer and the First Appellate Authority have been upheld by the Revisional Authority thereby fastening the Petitioners with monetary liability with respect to a transaction of purchase of office premises of the Society.

6. One of the submissions advanced by Mr. Patil is that the impugned order has been passed by the Revisional Authority with lightening speed but, rather without considering any of the submissions on merits of the Writ Petitioners. He would submit that infact none of the submissions advanced by the Writ Petitioners have been considered which are delineated in the grounds in the Writ Petition.

7. On the basis of the averments made in the Writ Petitions and the impugned order, an arguable case has been made out by Mr. Patil for issuance of notice to Respondents and stay of the impugned order dated 15.03.2024. Order dated 15.03.2024 is therefore stayed.

8. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioners in all Writ Petitions are

directed to serve the Respondents in the respective Petitions a copy of this order and copy of the Writ Petition 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. Respondents are directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.

9. Needless to state that order of Divisional Joint Registrar i.e. First Revisional Authority dated 18.01.2023 shall also stand stayed and no further steps shall be taken by the Authority in respect of both the above orders.

10. Ms. Srivastava, learned AGP takes notice of the same.

11. Stand over to **11th June, 2024.**

H. H. SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2024.04.23
15:31:30 +0530

[MILIND N. JADHAV, J.]