



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7878 OF 2024

MARATHON ERA CO-OPERATIVE
HOUSING SOCIETY LTD.

..PETITIONER

VS.

THE STATE OF MAHARASHTRA
DEPARTMENT OF CO-OPERATIVE
SOCIETY & ORS.

..RESPONDENTS

Senior Advocate Atul Damle a/w. Adv. S. P. Chavan for petitioner.
Adv. Akshay C. Shinde for respondent no.4.
Smt. M. S. Srivastava, AGP for respondent-State.

CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 20 JUNE 2024.

P.C. :

1. Considering the nature of directions proposed to be issued, the presence of respondent nos.5 to 7 is dispensed with. Rule. Rule made returnable forthwith.

2. The respondent no.4 herein initiated proceedings under Section 154B-27 of the Maharashtra Co-operative Societies Act, 1960 for grant of No Objection Certificate. Since the petitioner-Co-operative Society refused to grant the No Objection Certificate, an appeal came to be filed before the Deputy Registrar, Co-operative

Societies. That appeal was allowed on 27 February 2024 and the Society was directed to issue the No Objection Certificate within a period of eight days. The appeal preferred by the Society came to be dismissed by the Divisional Joint Registrar, Co-operative Societies on 10 May 2024. Being aggrieved by the said order, the Co-operative Society has preferred revision application being Revision No.7878 of 2024 before the State Government. Since the said proceedings were not being heard and the respondent no.4 sought implementation of the order dated 27 February 2024 passed by the Deputy Registrar, this writ petition has been filed seeking expeditious consideration of the revision application.

3. This writ petition was considered during vacation and an interim direction was issued preventing any structural intervention in connection with installation of a private lift.

4. The Learned counsel appearing for respondent no.4 submits that if the revision application preferred before the State Government under Section 154 of the Maharashtra Co-operative Societies Act, 1960 is directed to be decided expeditiously by continuing an ad-interim relief, the said respondent would have no objection for the same.

5. Considering the fact that the revision application preferred by the Co-operative Society is pending before the State Government and the ad-interim order dated 29 May 2024 operates, the interest of justice would be served by passing the following order:-

(i) The revision application preferred by the Co-operative Society shall be decided expeditiously by the State Government on its own merits and in accordance with law within a period of 8 (eight) weeks of receiving copy of this order.

(ii) Till the said proceedings are decided and for a period of two weeks thereafter, in case, any adverse order against the Co-operative Society is passed, the interim direction issued on 29 May 2024 shall continue to operate.

(iii) It is clarified that this interim arrangement is without prejudice to the rights and contentions of either parties and all contentions are kept open for being urged before the respondent no.1.

6. With the aforesaid directions, the writ petition is disposed of.

7. Rule accordingly. No costs.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]