

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

WRIT PETITION NO.9280 OF 2024

Premnnarayan Lakhani .. Petitioner

Vs.

District Deputy Registrar of Co-operative
Societies, Mumbai and Ors. .. Respondents

ALONG WITH

WRIT PETITION NO.9502 OF 2024

Kunjbihari Lakhani .. Petitioner

Vs.

District Deputy Registrar of Co-operative
Societies, Mumbai and Ors. .. Respondents

Mr. Rahul Soman with Mr. Amit Mehta, Mr. Hitesh Mishra and Mr. Vinayak Shukla, i/by Mr. Amit Mehta, Advocates for the Petitioner in WP/9280/2024.

Mr. Atul Damle, Senior Advocate, with Mr. Amit Mehta, Mr. Hitesh Mishra and Mr. Vinayak Shukla, i/by Mr. Amit Mehta, Advocates for the Petitioner in WP/9502/2024.

Mr. B.V. Samant, Additional Government Pleader, with Smt. T.D. Goswami, Assistant Government Pleader, for the Respondent-State of Maharashtra.

Mr. Mandar Soman with Mr. Santosh Pathak, Ms. Purva Naik and Mr. Kailash Pathak, Advocates for Respondent No.2-Society in both the Petitions.

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

DATE : 10TH JULY, 2024.

PC. :

1. Heard learned counsel for the parties.
2. We find from the record of the present proceedings that the Revision Applications preferred by both the petitioners are presently pending before

the District Deputy Registrar, Co-operative Societies, Mumbai. According to the petitioners, a public notice has been issued seeking to execute the Recovery Certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 and the properties occupied by the petitioners have been put to auction. The last date for submission of bids is 22nd July 2024 while the bids are to be opened on 30th July 2024. In this backdrop, the learned Senior Advocate for the petitioner in Writ Petition No.9502 of 2024 seeks to press prayer clause (b) of the writ petition.

3. Heard the learned counsel for respondent no.2-Society. According to him, the petitioners are yet to comply with the provisions of Section 154 – 2 (b) of the Act of 1960. Unless such compliance is made, the revision applications cannot be entertained.

4. It is not necessary for us to go into the merits of the challenge. In the light of the fact that the District Deputy Registrar is seized of the revision applications and it is informed that the stay applications preferred by the petitioners are also pending, the interest of justice would be served by issuing the following directions :-

- (i) The District Deputy Registrar, Co-operative Societies shall consider the prayer for interim relief in the pending revision applications on its own merits and in

accordance with law. The same shall be done by 30th July 2024.

- (ii) The parties to appear before the District Deputy Registrar on 15th July 2024 at 11:30 a.m. and co-operate in adjudication of the prayer for interim relief.
- (iii) All contentions of the respondents including the aspect of entertaining the Revision Applications are kept open for being raised before the said Authority.

5. By keeping the issues raised on merits open, both the Writ Petitions are disposed of.

6. The learned Additional Government Pleader to communicate this order to the respondent no.1.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]