

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11251 OF 2024**

H V Infrastructure Pvt. Ltd. And Ors. ... Petitioners
versus

The State of Maharashtra through the Cooperation Respondents
Department and anr.

Mr. B. S. Nagar along with Mr. R. Yadav along with C. J. Doveson,
Advocates for the Petitioners.
Mr. Hamid Mulla, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 14th AUGUST, 2024.

P.C. :

1. Heard.
2. At the outset, learned counsel for the petitioners has filed an affidavit-of-service indicating that the contesting respondents are served with the notice of this proceedings. It is his submission that the petitioners are auction purchasers of the property in question and in spite of the said fact, the society has refused to recognize them as members. It is submitted that the application moved by the petitioners in this regard was rejected by the Assistant Registrar of the Co-operative Societies as well as the Divisional Joint Registrar, essentially on the ground that litigation in respect of the said property being pending. He has drawn the attention of this Court to the notice dated 22nd July 2024 issued by the society to

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contend that the society is intending to transfer the membership of the borrower/the person who raised the dispute with regard to the property in question.

3. Considering the aforestated facts, prima facie case is made out by the petitioners for restraining the society from taking any further steps pursuant to the notice dated 22nd July 2024 till the next date of hearing. Hence, issue notice to the respondents returnable on 13th September 2024.

4. Learned AGP waives service on behalf of respondent No.1.

5. Till next date of hearing, the respondent-society as well as all concerned are hereby restrained from taking any further action in pursuance of the notice dated 22nd July 2024 (page 349 of the petition).

(R. M. JOSHI, J.)