

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

WRIT PETITION NO. 11956 OF 2024

Revati Niwas Co-operative Housing Petitioner
Society Ltd. Thr. Its. Chairman Anil T.
Jain.

Versus

Shashikant Jaganath Wadke Since Respondents
Decd. Thr. Lrs. 1.1. Rohini S. Wadke
And Ors.

Mr. Pranil K. Sonawane a/w Mr. Pranav Phadke and Mr. Raj
Chaurasia i/b Ms. Sharayu Shinde, Advocate for the Petitioner.
Ms. Snehal Jadhav, AGP, for the State.

CORAM : R. M. JOSHI, J.

DATE : 26th AUGUST, 2024.

P.C. :

1. Heard.
2. It is contention of learned counsel for the Petitioner that the Joint Divisional Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, while passing order dated 01/12/2023

observed that the Petitioner/Society has placed reliance on the irregularity committed by the Society while filling form 'Z'. It is his contention that the said form is required to be filled in by the developer. By referring the copy of the said form, it is contended that the same has been signed by the developer Mahesh Gupta. However, inadvertently name of the original owner Shashikant Jagnath Wadke was mentioned therein. It is his submissions that the requirement of form 'Z' to be filled in by the developer has been complied with and merely because some error is committed while mentioning the name of developer, the same cannot become a ground for de-registration of the society. It is his submissions that consequence of the said de-registration has resulted into the appointment of Official Assignee. According to him all these aspects were not considered by the State in Appeal No.124 of 2024 and, therefore, the application for stay has been rejected.

3. *Prima facie*, perusal of the record indicates that form 'Z' was required to be submitted by the developer. Even from the order impugned it can be seen that the said form has been signed by developer. Merely because inadvertently name of the owner if mentioned therein, question arises as to whether this sole fact

becomes a ground for de-registration of the society. Thus, Petitioner have made out arguable case. If the order passed by the Divisional Joint Registrar dated 01/12/2023 is not stayed, the same will result into the appointment of Official Assignee.

4. Having regard to this fact, issue notice to the Respondents, returnable on 23rd September, 2024.

5. Till next date of hearing, there shall be stayed to the order dated 01/12/2023 passed by the Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai, in Appeal No.32 of 2023 as well as order dated 08.08.2024 passed by the Assistant Registrar Co-operative Societies, Bhiwandi, Dist. Thane, for appointment of Official Assignee.

(R. M. JOSHI, J.)