

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 12527 OF 2024

Mauli Krupa Co-operative Housing Soc. Petitioner
Thr. Secretary

Versus

Deputy Registrar of Co-op. Soc. And Respondents
Anr.

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Dr. Uday P. Warunjikar a/w Ms. Sakshi S. Inamdar i/b Mr. Bhushan
Deshmukh, Advocate for the Petitioner.
Mr. R. S. Pawar, AGP, for Respondent No.2 – State.

CORAM : R. M. JOSHI, J.

DATE : 4th SEPTEMBER, 2024.

P.C. :

1. Heard.
2. Learned counsel for the Petitioner submits that under the provisions of Section 77A of the Maharashtra Co-Operative Societies Act, 1960, Deputy Registrar Co-operative Society has passed impugned order. It is his submissions that the order itself clearly shows that no notice as contemplated in Rules has been issued.

3. He drew attention of the Court to the proviso under Section 77A which mandates publication of notice before passing of such order. Thus, it is his submissions that the order impugned has been passed contrary to the provisions of law and against the principle of natural justice.

4. Learned AGP appearing on behalf of the Respondents object to the maintainability of the petition on the ground that appeal has been provided against the said order.

5. *Prima facie*, even perusal of the order impugned indicates that there is non-compliance of the mandate under section 77A which requires publication of notice inviting objections and suggestions before passing of such order. By keeping open the issue of maintainability, arguable case is made out by the Petitioner for stay of the impugned order till next date of hearing.

6. Stand over to 13th September, 2024.

(R. M. JOSHI, J.)