

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1062 OF 2024

Seven Storied Welfare Association through its ...Petitioner
Office Bearer Nilesh Rane

Versus

The Assistant Registrar, Co-operative Society,
SRA, Mumbai & Ors. ...Respondents

Mr. Amogh Singh a/w. Mr. Santosh Pathak and Mr. Nimish Lotlikar,
Advocates, i/b. M/s. Law Origin, for the Petitioner.
Mr. Vishwanath Patil, Advocate, for the Respondent Nos.1 to 3-
SRA.
Mr. Manish Upadhye, AGP, for the Respondent-State.
Mr. Rakesh Mishra a/w. Ms. Bindu Tiwari, Advocates, for the
Respondent No.4.

CORAM: MADHAV J. JAMDAR, J.
DATED : 21st AUGUST 2024

P. C.:

1. By the present Writ Petition filed under Article 226 of the
Constitution of India, the Petitioner is challenging the legality and
validity of the impugned order dated 21st November 2022 passed
by the Assistant Registrar, Co-operative Societies (East and West
Suburbs), Slum Rehabilitation Authority, Mumbai.

2. At the outset, Mr. Mishra, learned Counsel appearing for the Respondent No.4 states that there is alternate remedy of an Appeal under the provisions of Section 152 of the *Maharashtra Co-operative Societies Act, 1960* (“MCS Act”).

3. Mr. Patil, learned Counsel appearing for the Respondent Nos. 1 to 3 states that such Appeal under Section 152 of the MCS Act is to be filed before the Divisional Joint Registrar, Co-operative Societies, Mumbai.

4. In view of above submissions, Mr. Singh, learned Counsel appearing for the Petitioner seeks withdrawal of the Writ Petition. However, he states that this Court has already granted ad interim relief on 27th April 2023 which is operating since last 1 year and 4 months and therefore, till the disposal of the Appeal by the Divisional Joint Registrar, Co-operative Societies, Mumbai, ad interim relief granted by this Court be continued.

5. Learned Counsel appearing for the Respondent No.4 states that the Divisional Joint Registrar, Co-operative Societies, Mumbai

be directed to dispose of the Appeal within a period of four months from today.

6. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such with liberty to file an Appeal under Section 152 of the MCS Act before the Divisional Joint Registrar, Co-operative Societies, Mumbai challenging the impugned order. If such Appeal is filed within a period of two weeks from today, then the Divisional Joint Registrar, Co-operative Societies, Mumbai is requested to dispose of the said Appeal within a period of four months from today.

7. Till the disposal of the said Appeal, ad interim relief granted by order dated 27th April 2023 passed by a learned Single Judge shall remain in operation.

8. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]

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