

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2036 OF 2024

Hansraj Ramdas Kasare & Anr.

...Petitioners

Versus

Dr. Ambedkar CHS Ltd. & Ors.

...Respondents

Mr. Sanjiv Sawant a/w Mr. Rohan Mahadik, Ms. Rachana Karad, & Ms. Mekhala More, Advocates, i/b. Juris Partners, for the Petitioners.

Mr. A. Y. Sakhare, Senior Advocate, a/w Mr. Yadnesh Ayer, Advocates, for the Respondent No.1.

Ms. Uma Palsuledesai, AGP, for Respondent Nos.2 and 3.

CORAM: MADHAV J. JAMDAR, J.

DATED: 2nd JULY 2024

P. C.:

1. Heard Mr. Sawant, learned Counsel appearing for the Petitioners, Mr. Sakhare, learned Senior Counsel appearing for the Respondent No.1 and Ms. Palsuledesai, learned AGP, appearing for the Respondent Nos.2 and 3.

2. Initially Mr. Sakhare, learned Senior Counsel tried to submit that the Writ Petition itself is not maintainable. However, during the course of hearing, Ms. Palsuledesai, learned AGP submitted a

letter dated 25th June 2024 issued by the Deputy Registrar, Co-
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operative Societies, H-West Division, Mumbai stating that an officer from the Department of Co-operation will be appointed as an Administrator and another officer will be appointed as an Election Officer and the election will be held within a period of three months.

3. Mr. Sakhare, learned Senior Counsel, after taking instructions from Mr. Vaibhav More, who is present in Court states that the Respondent No.1 and said Vaibhav More have no objection to the said course of action proposed by Ms. Palsuledesai, learned AGP.

4. It is also required to be noted that a learned Single Judge (Coram: M.S. Karnik, J.) after noticing that the term of the existing Managing Committee has come to an end in the year 2015 and on 16th January 2017 the Board of Administrators were appointed and inspite of that no further action was taken, by Order dated 23rd February 2021 passed in Writ Petition No.1541 of 2018 (Original Side) along with Writ Petition No.646 of 2019 (Appellate Side) directed said Board of Administrators to conduct the election within a period of six months. However, it is an admitted position

that for one reason or other the said Administrator could not take charge of the Record of the Society and no elections have been conducted.

5. In these peculiar facts and circumstances of the case, Mr. Sakhare, learned Senior Counsel appearing for the Respondent No.1 after taking instructions, submitted that the Respondent No.1 has no objection if Government Officers are appointed as an Administrator as well as an Election Officer and if elections are directed to be conducted within time bound manner.

6. In view of this position, Ms. Palsuledesai, learned AGP appearing for the Respondent Nos. 2 and 3 seeks time.

7. Stand over to **9th July 2024** for passing final order in the Writ Petition. To be listed fairly high on board.

[MADHAV J. JAMDAR, J.]