

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

WRIT PETITION NO.18851 OF 2024

Samina Rayees Khan & Ors.

....Petitioners

V/S

The Hon'ble Minister of Co-operation & Ors.

....Respondents

Mr. P. Ranjan i/b M/s. Halai & Co. *for the Petitioners.*

Ms. M.S. Srivastava, AGP *for Respondent Nos.1,2 and 3 / State.*

CORAM: SANDEEP V. MARNE, J.

DATE : 11 FEBRUARY 2025.

P.C.:

1. The Petition challenges mere interim order passed by the Hon'ble Minister (Co-operation) on 4 October 2024, by which he has stayed the order passed by the Divisional Joint Registrar. The Divisional Joint Registrar had allowed Revision and Appeal preferred by the Petitioners by setting aside orders dated 1 April 2024 passed by the Deputy Registrar under provisions of Sections 77A and 79A of the Maharashtra Co-operative Societies Act, 1960 (**MCS Act**). The effect of stay granted by the Hon'ble Minister would virtually mean that the orders passed by the Deputy Registrar on 1 April 2024 would stand revived.

2. Heard the learned counsel appearing for Petitioners. Considering the nature of order that is proposed to be passed in

the present Petition, in my view, it is not necessary to secure presence of the Respondent Nos.4 and 5.

3. The learned counsel appearing for the Petitioners would submit that the Hon'ble Minister had in fact heard the arguments of both the sides on merits and instead of pronouncing a final order in the Revision he has proceeded to pass interim order of stay on 4 October 2024.

4. In my view, considering the above position, it would be appropriate that the Hon'ble Minister finally decides the Appeal in an expeditious manner. Grant of stay to the order passed by the Divisional Joint Registrar would virtually mean revival of the order of disqualification and appointment of Administrator passed by the Deputy Registrar. In that view of the matter, the Hon'ble Minister is requested to decide the Revision Application in an expeditious manner preferably by 31 March 2025. Till decision of the Revision Application by the Hon'ble Minister, no precipitative steps shall be taken by the Administrator based on the orders dated 1 April 2024 passed by the Deputy Registrar. Petitioners shall serve copy of this order on Respondent Nos.4 and 5 within one week.

5. Parties shall appear before the Hon'ble Minister on 24 February 2025 and shall obtain further directions in the matter.

All rights and contentions of the parties on the merits are expressly kept open. The Hon'ble Minster shall decide the Revision Application without being influenced by any of the observations made by this Court in the present order. With the above directions, the Petition is **disposed of**.

(SANDEEP V. MARNE, J.)

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