

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6747 OF 2025
WITH
INTERIM APPLICATION NO. 9909 OF 2025

M. Aslam Shaikh And Ors. ...Petitioners

Versus

The State Of Maharashtra Thr Ministry Of
Co-operation And Ors. ...Respondents

WITH

WRIT PETITION NO. 8834 OF 2025

Savio Pereira And Ors. ...Petitioners

Versus

The State Of Maharashtra Thoru. Govt
Pleader And Ors. ...Respondents

Adv. Seema Chopda, for the Petitioner in WP/8834/2025.

Mr. Induprakash Tripathi i/by Adv. C. K. Tripathi for
Petitioners in WP/6747/2025 & Applicant in
IA/ST/19718/2025.

Mr. Venkatesh Dhond, Senior Advocate, h/f Amogh Joshi, for
Respondent No.5 in both WP.

Mr. Prashant Naik i/by Adv. Sandeep Waghmare for
Respondent No.8 in WP/6747/2025 & for Respondent
No.5 in WP/8834/2025.

Mr. Rohan Cama, a/w Zeeshan Syed, i/b Sahil Hirani, for
Respondent No.6 in both WP.

Mr. Rohan Sawant, a/w Divya Tyagi, for Respondent No.4 in
both WP.

Mr. P. V. Nelson Rajan, AGP for the State in WP/8834/2025.

Ms. Savina Crasto, AGP for the State in WP/6747/2025.

CORAM: N. J. JAMADAR, J.

DATED: 14th JULY, 2025

Oral Order:-

WP/6747/2025

1. Heard the learned Counsel for the parties.

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KULKARNI

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2. The challenge in this petition is to an order passed by the Joint Registrar, Co-operative Societies, in Appeal No.109/2024, whereby the appeal preferred by the petitioners against an order passed by the Deputy Registrar, Co-operative Societies, under Section 78A of the Maharashtra Co-operative Societies Act, 1960 (“the MCS Act, 1960”) superseding the Managing Committee of the Society and appointing an authorized officer, came to be dismissed.

3. Mr. Tripathi, the learned Counsel for the petitioners, seeks leave to withdraw WP/6747/2025 and approach the State Government under Section 154(2) of the MCS Act, 1960. Mr. Tripathi, however, submits that when the petition was initially filed, by an order dated 29th May, 2025, this Court had restrained the authorized officer from taking charge of the affairs of the society from the petitioners – elected members of the Managing Committee. Mr. Tripathi submits that the said arrangement be continued for a reasonable period.

4. Mr. Dhond, the learned Senior Advocate for the respondent No.5, submits that the said order has not been continued. However, the learned Senior Advocate submits that the authorized officer has yet not taken charge of the affairs of

the Society from the members of the superseded Managing Committee.

WP/8834/2025

5. This petition is filed by the members of the Society seeking to quash and set aside the order passed by the Divisional Joint Registrar, affirming the order passed by the Deputy Registrar, Co-operative Societies, superseding the Managing Committee of the Society.

6. A submission was sought to be canvassed on behalf of the petitioners that on account of the direction to freeze the Bank Accounts of the Society, the members and residents of the Society are suffering extreme hardship. The maintenance bills and day to day expenses of the Society are not being cleared. The salaries of the house keeping staff have not been paid.

7. Since the petitioners in WP/8834/2025 are also assailing the very same order which is assailed in WP/6747/2025, the petitioners in WP/8834/2025 are also required to be relegated to the statutory remedy under the MCS Act, 1960.

8. In view of the above, the petitioners in WP/6747/2025 are permitted to withdraw the petition with liberty to file appropriate proceeding before the State Government under Section 154 of the MCS Act, 1960.

9. Since the authorized officer has yet not taken charge of the affairs of the Society, without delving into the question of continuation of the ad-interim orders passed by this Court, the said arrangement shall continue to operate for a period of three weeks from today.

10. The authorized officer is, however, permitted to operate the Bank Accounts of the Larsen & Toubro Group of Companies Employees' Co-op. Housing Society Ltd., for payment of the salaries of the staff and other employees of the Larsen & Toubro Group of Companies Employees' Co-op. Housing Society Ltd.

11. Respondent No.15 Bank shall permit the authorized officer to operate the Bank Accounts of the Society for the purpose of payment of salaries to the staff and employees of the Society.

12. WP/6747/2025 and WP/8834/2025 stand disposed.

13. In view of disposal of WP/6747/2025, IA/9909/2025 also stands disposed.

[N. J. JAMADAR, J.]