

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3330 OF 2025

Kenneth Joseph Rodrigues

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Carl Patel a/w Adv. Sanaea Umrigar, for the Petitioner.

Smt. Vrushali Kabre, AGP for the Respondent No.1-State.

CORAM : SUMAN SHYAM &

SHYAM C. CHANDAK, JJ.

DATED : 4th SEPTEMBER, 2025

P.C. :-

1) Heard Mr. Patel, learned Counsel for the Petitioner. Also heard Smt. Kabre, learned AGP for the Respondent No.1-State.

2) The Petitioner has preferred a Petition under Section 152 of the Maharashtra Co-operative Societies Act, 1960 which is pending disposal before the Respondent No.2. In that Petition, the Petitioner has assailed the Order disqualifying him as well as the other members of the earlier Managing Committee of the Co-operative Society which is also coming in their way of going for re-election.

3) It appears that during the pendency of the aforesaid Appeal, Order dated 01/07/2025, has been issued by the Deputy Registrar, Co-operative Societies, A-Ward, Mumbai, appointing an Election Officer so as to conduct the elections of the Society.

4) Mr. Patel, learned Counsel for the Petitioner submits that if the appointment of the Election Officer is not stayed then, the Election in the Co-operative Society will be held in which event, the Writ Petition as well as the Appeal pending before the Authority would become infructuous. The Petitioner's Counsel has, however, candidly submitted that he has not yet moved the Appellate Authority with an Application to stay the holding of the Election of the Society.

5) After hearing the submissions made at the Bar, we are of the considered view that instead of keeping this Writ Petition pending, the proper course of action would be to direct the Respondent No.2 to hear and decide the Appeal preferred by the Petitioner, in a time bound manner. Accordingly, it is directed that the Appeal preferred by the Petitioner on 05/08/2024 be taken up for hearing and disposed of with a reasoned Order, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of the Certified Copy of this Order. Needless to say, it would be open for the Petitioner to move appropriate Application before the Respondent No.2 for suspension of the Order dated 01/07/2025 and/or praying for any other interim relief.

6) With the above observations, the Writ Petition stands disposed of.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)