

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.5841 OF 2023

Narayani Hospitality and Academic Institution
Pvt. Ltd. .. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-
operative Societies, Mumbai and others .. Respondents

WITH

WRIT PETITION (ST.) NO.5840 OF 2023

R. J. Trade Wings Pvt. Ltd. .. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-
operative Societies, Mumbai and others .. Respondents

WITH

WRIT PETITION (ST.) NO.5689 OF 2023

Hamsa Bar and Restaurants Pvt. Ltd. .. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-
operative Societies, Mumbai and others .. Respondents

WITH

WRIT PETITION (ST.) NO.5686 OF 2023

Ashtavinayak Properties Pvt. Ltd. .. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-
operative Societies, Mumbai and others .. Respondents

WITH

WRIT PETITION (ST.) NO.5684 OF 2023

Ankit Rajiv Somani .. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-
operative Societies, Mumbai and others .. Respondents

**WITH
WRIT PETITION (ST.) NO.5682 OF 2023**

Ankit Somani HUF

.. Petitioner

Versus

The Divisional Joint Registrar Mumbai Co-operative Societies, Mumbai and others

.. Respondents

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- Mr. Manoj Agiwal, Advocate for Petitioner.
- Mr. S. D. Rayrikar, AGP for State – Respondent Nos.1 and 2.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 03, 2023

P.C.:

- 1.** Not on Board. Mentioned. Taken on Board.
- 2.** Heard Mr. Agiwal, learned Advocate for Petitioner and Mr. Rayrikar, learned AGP for State – Respondent Nos.1 and 2.
- 3.** Perused the praecipe dated 03.03.2023.
- 4.** By virtue of the impugned order dated 03.02.2023 which is a common order passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, the reasoned order passed by the Deputy Registrar, Co-operative Societies, D-Ward, Mumbai granting membership to the Petitioners has been upset.
- 5.** Mr. Agiwal, would submit that thought the matter has been remanded back to the Respondent - Deputy Registrar for fresh consideration, Petitioners are aggrieved since the order passed by the Deputy Registrar dated 13.06.2022 is a reasoned order after hearing

both the sides and after considering all legal aspects. He would submit that under Regulation 9 (4) of the Development Control Promotion Rules, 2034, the Petitioners are infact entitled to have entitlement to separate commercial storage Units which have been constructed. He would submit that in that view of the matter, the impugned order is not only harsh but contrary to the extant provisions.

6. I have perused the impugned order passed by the Divisional Joint Registrar Co-operative Societies, Mumbai Division.

7. Mr. Agiwal would submit that there are serious consequences and reasons due to the passing of the impugned order and hence desires the Writ Petitions to be heard.

8. Hence the matter cannot be heard without notice to the other side as also considering that six Petitions have been filed and eight more are to be filed today as informed by Mr. Agiwal. In that view of the matter, I am granting limited protection to the Petitioner to the extent of stay of the impugned order dated 03.02.2023 for a period of one week.

9. Liberty is granted to all Petitioners to move the regular Court next week and seek appropriate reliefs.

10. Issue notice to Respondents. Humdast permitted. In addition to Court's notice Petitioners are directed to serve Respondents and

inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

11. After receiving notice, Respondents to file affidavit-in-reply, if any, and serve on Petitioner in advance.

12. Mr. Rayrikar, learned AGP waives notice on behalf of Respondent Nos.1 and 2.

[MILIND N. JADHAV, J.]