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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3588 OF 2012
WITH
CIVIL APPLICATION NO.1764 OF 2012

Ashok Punjabi and another. ..Petitioners
-versus-
Minister of Cooperation,
Maharashtra State and others. ..Respondents

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Mr.A.Y.Sakhare, Senior Advocate with Mr.Ajay Panickar i/by Ajay Law Associates, for the Petitioners.
Mr.R.M.Patne, AGP, for the Respondent Nos.1 and 2.
Mr.Drupad Patil, for the Respondent No.3.
Mr.Zal Andhyarujina with Ms.Bharati Bheda i/by M/s Ashwin Kumar and Company, for the Respondent No.4.
Ms.Jaishree Surati, for the Respondent No.6.

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CORAM : S.C.DHARMADHIKARI, J.
Date : 12th October, 2012.

P.C.:

1 Heard the learned counsel appearing for parties. Perused the order passed on 12.03.2012 by the Minister of Cooperation and Textiles, Government of Maharashtra in Revision Application No.579/2010.

2 Prima facie, arguable question arises as to how the Minister in revisional jurisdiction sets aside an order of the Deputy Registrar, Cooperative Societies, K-West Ward, Mumbai dated 25.03.2010 registering the Kotia Nirman Commercial Premises Cooperative Society Limited, which order has been confirmed in appeal on 02.08.2010.

3 A further issue that arises is that there are two Petitioners in the Revision Application one M/s High Class Developers and another M/s

Asian Marble Industries. They claimed to have registered a Company on 30.09.2009 entitled M/s Kotia Nirman Properties Private Limited. Equally, they claimed to have incorporated and registered another Company on 02.03.2010, namely, M/s Kotia Nirman Premises Private Limited. It is stated that out of 76 unit holders, 38 have consented to the Company. It appears that all this has been done at the instance of Kotias.

4 Surprisingly, both these companies are not Revision Applicants before the Minister. The Revision Applications are filed by the Developers. In such circumstances, to my mind, the Minister could not have interfered, prima facie, with the registration of a cooperative housing society.

5 Hence, Rule.

6 For all these reasons, there will be an interim order in terms of prayer clause (c), which reads thus:-

“(c) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the operation of the impugned judgment and order dated 12.03.2012 passed by the Respondent No.1 Minister in Revision Application No.579 of 2010 and Petitioner society be allowed to discharge its functions under law.”

7 Needless to clarify that this order does not prevent either the Developers or the Petitioners from claiming such rights in relation to immovable properties as are permissible in law.

8 In such circumstances, the Civil Application does not survive and stands disposed of.

(S.C. Dharmadhikari, J)