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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1948 OF 2012

Navroze Manekji Havewala

& Others

.. Petitioners.

V/s.

The State of Maharashtra

& Others

.. Respondents.

Mr. R. Rodrigues i/b. Mr. Avinash Fatangare, for the Petitioners.

Mr. R. M. Patne, AGP for Respondent Nos. 1 to 3.

Mr. H. S. Tafti, for Respondent No.6.

CORAM: G.S.GODBOLE,J.

DATE : 31st MARCH, 2012.

P.C:-

1 Heard Mr. Rodrigues for the Petitioners, the learned AGP Mr. Patne for Respondent Nos.1 to 3 and Mr. Hosang Tafti for Respondent No. 6 who is contesting Respondent. Respondent Nos.4 and 5 are not the contesting Respondents.

2 On 1st March, 2012 following order was passed:-

“1. Not on Board. Taken on Board.

2. Heard Mr. Rodrigues for the Petitioner and Smt. Cardozo Learned AGP for Respondent Nos. 1 to 3.

3. Aggrieved by the Order dated 03.01.2012 passed by the Learned Divisional Joint Registrar, Co-Operative Societies, Mumbai Division, Mumbai on the stay application in Appeal No.195 of 2011, the Petitioners have already filed the Revision Application before the State Government alongwith an application for stay, which is pending. The State Government is directed to hear and decide the stay application in the Revision Application on or before 26.03.2012. While considering the prayer for interim relief, the State Government shall not be

influenced by the fact that by this ad-interim order, some limited protection has been granted to the Petitioner and the application for stay shall be heard on its own merits.

4. Till 31.03.2012, the Administrator may not take charge, however the Petitioners will not take any major policy decision and will not spend any amount from the account of the Society, save and except for payment of Municipal tax, water charge, electricity dues and salaries of the employees of the society and security charge.

5. Notice before the admission. Returnable on the CMIS date i.e. on 31.03.2012. Smt. Cardozo waives service on behalf of Respondent Nos. 1 to 3.

6. In addition to service of notice through court, Respondent Nos. 4 to 6 to be served by private notice, by RPAD/ Speed post AD.”

3 It is informed that the Hon’ble Minister has heard the Stay Application on 22nd March, 2012 but the same is not yet decided. Appeal No.195 of 2011 is now fixed for hearing on 3rd April, 2012.

4 In view of this, this Writ Petition is disposed off by directing that Appeal No.195 of 2011 shall be finally disposed off on or before 23rd April, 2012. The interim order granted in this Petition will continue with same terms and conditions till 23rd April, 2012. In case, the order in the Appeal is against the Petitioners, interim order operating in this Writ Petition will continue to operate for the period of two weeks from the date of communication of that order.

5 **Writ Petition is disposed off.**

(G.S.GODBOLE,J.)