

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4064 OF 2015

**Mrs. Kusum Ghanshyam Bidawatka
Through POA holder**

Mr. Niraj Ghanshyam Bidawatka : Petitioner

versus

**The Minister of Cooperation, Govt. of Maharashtra
Mantralaya, Mumbai and ors.**

: Respondents.

Mr. Niraj Bidawatka POA holder of the Petitioner present in Court.

Mr. K T Bubu i/by Mr. P V Malik for the Respondent No.8

Mrs. Vaishali Nimbalkar AGP for the Respondent Nos.1 to 4.

CORAM : R. M. SAVANT, J.

DATE : 30th April 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 3/2/2015 passed by the Revisionary Authority i.e. the Hon'ble Minister for Cooperation, Government of Maharashtra by which order the order dated 21/8/2014 passed by the Divisional Joint Registrar, Mumbai appointing a Board of Administrator to look after the affairs of the Respondent No.8 – Kanakia Park CHS Ltd came to be set aside and the direction came to be issued for holding the elections to the Managing Committee of the said Society. It is pursuant to the said directions issued that the process of holding the elections commenced and the elections were held in the beginning of this month i.e. April 2015 and the elected body has now assumed charge of the Respondent No.8-Society. In view of the said development of the elected body assuming

office for the next term, it is not necessary for this Court to interdict with the said order dated 3/2/2015 passed by the Revisionary Authority i.e. the Hon'ble Minister for Cooperation, Government of Maharashtra as the factum of the elected body now being in charge of the said Society has turned the challenge to the said order infructuous.

2 The Petitioner has also a grievance as regards the fact that the accounts for four years i.e. 2011-2012, 2012-2013, 2013-2014 and 2014-2015 are not finalized and that they be directed to be finalized and audited within a time bound period. The said relief is sought by way of prayer clause (c) of the above Petition. In so far as the said relief is concerned, the Petitioner may address a letter to the Deputy Registrar of Co-operative Societies, R/South Ward, Mumbai in that regard and if any such communication is addressed by the Petitioner, the Deputy Registrar is directed to consider the same in accordance with law having regard to the provisions of Maharashtra Co-operative Societies Act in that regard.

3 The Petitioner by way of prayer clauses (e) and (f) of the above Petition has sought the reliefs against the alleged encroachers on the Society's property, some of whom, according to the Petitioner, are the committee members. The learned counsel for the Respondent No.8-Society states that in respect of the unauthorized construction the concerned members had filed

application for regularization which was rejected by the Municipal Corporation for Greater Mumbai against which an Appeal has been filed by the concerned members before the State Government which is pending and the same is kept for passing of orders. If that be so it is open for the Petitioner to take appropriate steps if so advised in so far as the said proceedings are concerned. With the aforesaid observations, the above Writ Petition is accordingly disposed of.

[R.M.SAVANT, J]