

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD

WRIT PETITION NO. 3665 OF 1998

Anil s/o Pandit Patil,  
Aged 31 years, occupation Agriculture  
resident of Pimpalgaon Khurd,  
Taluka Bhusawal, Dist. Jalgaon. .. Petitioner

versus

1. The State of Maharashtra
2. The Assistant Registrar  
Co-operative Societies,  
Bhusawal, Taluka Bhusawal,  
District Jalgaon.
3. Divisional Joint registrar  
Co-operative Societies,  
Nashik Division, Nashik
4. Pimpalgaon Khurd Vividh Karyakari  
Seva Sahakari Society Limited  
at Pimpalgaon Khurd, Taluka Bhusawal,  
District Jalgaon. .. Respondents

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None for the petitioner  
Mrs. S. S. Raut, Asstt. Govt. Pleader for respondents no. 1 to 3  
Mr. S.S. Wagh, Advocate for respondent no.4

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 12<sup>th</sup> May, 2017

ORAL JUDGEMENT :

1. While the matter was called out on 09-05-2017, it was adjourned to 11-05-2017 since no appearance had been

caused on behalf of the petitioner. Respondents had referred to that there is efflux of about twenty years and as such, wanted to elicit information in respect of developments about elections in the society.

3. On 11-05-2017, there was no appearance on behalf of the petitioner and learned Assistant Government Pleader sought time to seek information and the matter was kept today.

4. Even today when the matter is called out, none appears for petitioner.

5. Learned Assistant Government Pleader states that from 1997 onwards continuously elected bodies are functioning.

6. Learned counsel for respondent no. 4 states that under an interim order, interest of the petitioner had been protected, however, his term has been long over. In the circumstances, efficacy of the writ petition stands worked out and there is no purpose in going ahead with writ petition.

7. Perusal of the order dated 06-10-1997 passed by Assistant Registrar (Co-operative Societies), Bhusawal, District Jalgaon, indicates that in exercise of powers pursuant to

section 78A (1) of the Maharashtra Co-operative Societies Act, 1960, the petitioner had been removed as a member as well as his charge of being chairman had been taken away. In said order, it had been further directed to fill up the post getting vacated, according to law.

8. Aforesaid order passed by Assistant Registrar (Co-operative Societies), Bhusawal had been taken in appeal by petitioner before the Divisional Joint Registrar, Co-operative Societies, Nasik Division Nasik, under appeal No. 65 of 1997. The appeal was dismissed under order dated 20-07-1978.

9. Present writ petition has been preferred, challenging aforesaid order. This high court under an interim order passed, had protected interest of the petitioner.

10. However, there appears to be quite a lot of substance in the submissions on behalf of the respondents that efficacy of writ petition stands worked out with efflux of time as the concerned term of the petitioner in all certainty appears to have been over and quite certainly, there must have been further elections held for the subsequent terms. Efficacy of interim relief also stands worked out in the process and would not carry purpose any further.

11. In the circumstances, it appears that the writ petition would not carry any substance or would have any efficacy.

12. Writ petition, as such, stands disposed of as having worked out its' purpose.

SUNIL P. DESHMUKH,  
JUDGE

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