

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2497 OF 2016

Sky Anchorage Co-operative Housing Society Ltd.Petitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Ravindra V. Sankpal, advocate for the petitioner.
Ms. Nisha Mehra, AGP for the State.
Mr. Pradeep Rathi, Ex-Secretary of the Petitioner-Society in person.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 13th SEPTEMBER, 2017.

P. C. :

Heard Mr. Sankpal, learned counsel for the petitioner and Ms. Mehra, learned AGP for the State. We have also heard Mr. Pradeep Jainarain Rathi, Ex-Secretary of the petitioner-society.

2. The sole grievance of the petitioner is that Mr. Pradeep Jainarain Rathi-Ex-Secretary, has not handed over the society's documents/papers despite orders to that effect from the Joint Registrar (Co-operative Societies) and Tahsildar.

3. Mr. Pradeep Jainarain Rathi-Ex-Secretary has placed on record a short compilation of letters. We have perused the same. At pages 1 and 3 are the letters dated 13th November, 2008 and 16th November, 2008 respectively written by Mr. Pradeep Jainarain Rathi to the Chairman of the Society. At page 4 is a letter dated 28th December, 2008 written by Mr. Pradeep Jainarain Rathi to the Treasurer of the petitioner-society. Under these letters, Pradeep Jainarain Rathi has given to the chairman and treasurer of the petitioner-society all documents/registers which

were in his possession. The acknowledgment of the chairman and treasurer on these letters, do show that the petitioner-society has received the said documents from Mr. Pradeep Jainarain Rathi. Mr. Sankpal, learned counsel for the petitioner, does not dispute that these documents are received by the Society.

4. Mr. Sankpal, however, invited our attention to the letter at Exhibit D, page 18 of the petition. This letter is written on 8th February, 2009 by the members of the managing committee of the petitioner-society to Mr. Pradeep Jainarain Rathi, Ex-Secretary. Along with this letter, a list of documents and registers handed over by Mr. Pradeep Rathi is also annexed. Mr. Sankpal submitted that Mr. Pradeep Rathi accepted that he has not given the Registers/documents referred in the letter dated 8th February, 2009.

5. Mr. Pradeep Rathi, Ex-Secretary of the petitioner-society, who is present before the Court, made a solemn statement that whatever documents were available with him are already handed over to the Chairman and Treasurer of the petitioner-society and the documents referred in the letter dated 8th February, 2009 are not in his possession. The statement is accepted.

6. In the light of the above, Mr. Sankpal, learned counsel for the petitioner fairly conceded that the petitioner's grievance no more survived and he, sought leave to withdraw the petition. Leave as prayed for, is granted. The writ petition is disposed off as withdrawn.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]