

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

WRIT PETITION NO.7133 OF 2016

Nandakumar Vishnupant Bhosale & Ors. Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

.....

- Mr.S.S. Aradhye, Advocate for the Petitioners.
- Mrs.R.A. Salunkhe, AGP for the Respondents.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 03rd NOVEMBER, 2017.**

P.C. :

1. The Petition was originally filed seeking directions that the elections of the Respondent No.5/Society be directed to be held. The Petition was thereafter amended, so as to incorporate a constitutional challenge to section 73-CC of the Maharashtra Co-operative Societies Act, 1960, vis-a-vis the provisions of Article 243-ZK of the Constitution of India.

2. The learned counsel for the Petitioner fairly states that

the elections to the Respondent No.5/Society have now been held and what remains now is therefore, only the constitutional challenge. In our view, since the elections have been held and since the constitutional challenge was raised in view of the fact that elections were post-poned, there is no warrant to keep the above Petition pending. The same can be disposed of by reserving the right of the Petitioner to raise the constitutional challenge, if the occasion so arises in future. Hence by reserving the said right, the above Petition is disposed of.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)