

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7154 OF 2017

Prince Vaibhav Co Op HSG Ltd.	...	...Petitioner
Versus		
The State of Maharashtra & Ors.		...Respondents
...		
Mr Anilkumar K.P., Adv for the Petitioner.		
Ms.Jyoti Jadhav, AGP for the Respondents– State.		

...
CORAM : A.A. SAYED &
V.L.ACHLIYA, JJ.
DATED : 12 MARCH 2018

P.C.:

The Writ Petition filed under Article 226 of the Constitution seeks following reliefs:

“(a) This Hon'ble Court may be pleased to issue a Writ or Mandamus or Writ or Order in the nature of writ of mandamus declaring that Respondents have acted illegally and in violation of the provisions of the MCS Act by not handing over the charge of the Society to the newly elected Committee including not handing over the cash book duly completed in all respect as on date and all other records of the society so that the new Committee can take charge of the Society.

(b) This Hon'ble Court may issue a writ of mandamus or direction seeking the Respondents and especially Respondents Nos.6 and 7 to hand over cash book duly completed in all respect as on date and all other records of the society so that the new

Committee can take charge of the Society. The Petitioner further seeks direction to issue to re-audit the books of accounts for the three financial years, i.e. 2013-14, 2014-15, 2015-16 as per Section 81 of the MCS Act and further hold an enquiry u/s 83 of the MCS Act to ascertain all the excess and illegal payments.”

2. So far as prayer clause (a) is concerned, it is an admitted position that the charge has already been handed over to the newly elected members of the Society. Hence, prayer (a) does not survive. So far as prayer clause (b) is concerned, we are informed that the directions have been issued by the Registrar of the Co-operative Societies. In the circumstances, nothing further survives for consideration in the Petition. So far as grievance of the Petitioner that despite directions of the Registrar the same are not being followed by the Respondents Nos.5 and 6, it will be open for the Petitioner to resort to the appropriate remedy in that regard and the exercise of extraordinary writ jurisdiction is not warranted. Hence, the Petition is dismissed and to stand disposed of.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)