

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.13310 OF 2018

|                                 |     |             |
|---------------------------------|-----|-------------|
| Prakash Dhondiba Pawar          | ... | Petitioner  |
| Vs.                             |     |             |
| State of Maharashtra and others | ... | Respondents |

Mr. S. S. Kanetkar for Petitioner.  
Mr. S. H. Kankal, AGP for Respondents No.1 to 3-State.  
Mr. Sanjiv Kadam a/w. Mr. A. A. Jadhav i/b. Umesh Patil and Mr. Sachin Hande for Respondent No.5.  
Mr. Deelip Patil for Respondent No.6.

**CORAM : R. G. KETKAR, J.**  
**DATE : NOVEMBER 27, 2018**

**P.C. :**

Heard Mr. Kanetkar, learned Counsel for the petitioner, Mr. Kankal, learned AGP for respondents-State, Mr. Kadam, learned Counsel for the respondent No.5 and Mr. Patil, learned Counsel for the respondent No.6 at length.

2. This Petition takes exception to the order dated 15.11.2018 passed by respondent No.3, Assistant Registrar Co-operative Societies, Vadgaon Maval, District Pune as also the order dated 22.11.2018 passed by respondent No.2-Divisional Joint Registrar, Co-operative Societies, Pune. By order dated 15.11.2018, respondent No.3 declared the petitioner herein disqualified as per Section 73 CA of the Maharashtra Co-operative Societies Act, 1960 and ceased to be Director of respondent No.4 herein- Maval Taluka Sahakari Kharedi Vikri Sangh Maryadit Khadakala, Kamshet, Taluka Maval, District Pune. Aggrieved by that decision, the petitioner preferred appeal before the second respondent herein-Divisional Joint Registrar Co-operative Societies, Pune. By order dated 20.11.2018, respondent No.2 adjourned hearing of

the stay application to 22.11.2018. By the impugned order dated 22.11.2018, respondent No.2 adjourned hearing of stay application to 28.11.2018.

3. The matter was heard at length on 24.11.2018 and was adjourned till today with direction to the learned AGP to produce the original record. In pursuance thereof, Mr. Kankal has produced original record for the perusal of the Court. Respondent No.6 has filed affidavit dated 27.11.2018 placing on record the fact that on 26.11.2018, election of the Chairman of the fourth respondent Society was not held. As mentioned earlier, by the impugned order dated 22.11.2018, respondent No.2 has adjourned the hearing of the appeal and stay application to 28.11.2018.

4. Mr. Kanetkar states that petitioner is present in the Court. He has tendered photocopy of his PAN Card, which is taken on record and marked 'X' for identification. Upon taking instructions from him, Mr.Kanetkar seeks permission to withdraw this Petition as appeal itself is fixed for hearing on 28.11.2018.

5. In view thereof, on the motion made by Mr. Kanetkar, Petition is allowed to be withdrawn and is dismissed as withdrawn. Interim order dated 24.11.2018 is vacated. Respondent No.6 is at liberty to proceed in accordance with law. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*