

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.34412 OF 2018

Natarajan N. Maran	...	Petitioner
Vs.		
Baban Bhagwan Chavan and Ors.	...	Respondents

Mr. Sampatrao Pawar for the Petitioner.

Mrs. Sushma S. Bhende, A.G.P., for the Respondent-State.

CORAM : K.K. TATED &
N.J. JAMADAR, J.J.

DATE : 21ST DECEMBER, 2018.

P.C. :

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner is seeking direction to remove Respondent No.1 from the post of 'Managing Committee Member' of Respondent No.2-Society, on the count that Respondent No.1 has incurred disqualification, under Section 73CA(1)(b), due to default in payment of the dues of the Society, and further direction to Respondent Nos.3, 4 and 5 to take action in conformity with Section 73CA of the Maharashtra Co-operative Societies Act, 1960.
3. After arguing for some time, when we declined to entertain

the Petition, the learned counsel for the Petitioner sought permission to withdraw the Petition, with liberty to approach the concerned Authority for taking action against Respondent No.1, by filing an appropriate application impleading Respondent No.2-Society as well as the alleged Defaulter. Learned counsel for the Petitioner has submitted a statement in writing to that effect. The said statement is taken on record and marked as "X" for identification.

4. We are, therefore, inclined to permit the Petitioner to withdraw the Petition. Hence, the following order :-

"O R D E R"

The Writ Petition stands disposed off as withdrawn, with liberty to the Petitioner to approach the concerned Authority by filing an appropriate application for initiation of action under Section 73CA of the Maharashtra Co-operative Societies Act, 1960.

[N.J. JAMADAR, J.]

[K.K. TATED, J.]