

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2371 OF 2017

New Safalya SRA CHS Ltd.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Amog Singh, Mr. S P. Brahmbhatt i/b Mr. S. R. Singh for the
Petitioner.

Mr. U. S. Upadhyay, AGP for the Respondent-State.

Mr. V. D. Patil for Respondent Nos.2, 6, 7 and 8.

Mr. M. S. Surana for Respondent No. 9.

Mr. Yugal A. Bhatia for intervenor.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **August 8, 2018.**

P. C. :

1. The petition is filed by Mr. Tushar Tukaram Khetal alleging himself to be the secretary of New Safalya SRA CHS Ltd [for short "the said society"]. By this petition, the Petitioner is challenging the orders passed by Respondent No.2- the High Power Committee in an application bearing No. 210 of 2016.

2. The managing committee of said Society preferred a notice of motion in this writ petition, being Notice of Motion No.594 of 2017, making grievance that Mr. Tushar Khetal has no authority to file the petition; they applied for the intervention in the writ petition. This notice of motion was allowed by this Court by the order dated 1st

March 2018. We accordingly heard learned counsel for the Petitioner, learned counsel for the said society, Mr. Surana, learned counsel for Respondent No.9 and Mr. V. D. Patil, learned counsel for Respondent Nos. 2, 6, 7 and 8.

3. Counsel for the said society as well as Mr. Surana objected the maintainability of petition on the ground that Mr. Tushar Khetal has no authority to continue with the petition. Mr. Surana invited our attention to the minutes of general body meeting of the said society held on 1st September 2017. We have perused the same. The record reveals that general body meeting of the said society was attended by the representative from the Co-operation Department. Subject no.3 on the agenda of said meeting was withdrawal of the present writ petition. General body of the said society by passing a resolution, being Resolution No.2, unanimously resolved to withdraw the present writ petition. By passing another resolution, being Resolution No.5, general body of the said society removed Mr. Tushar Khetal from the post of secretary. Mr. Tushar Khetal thereafter filed a dispute against removal of himself from the post of secretary and approached the Co-operative Court. He succeeded in obtaining stay to his removal. The fact remains that so far as the decision of the said society, resolving to withdraw the writ petition, was neither challenged

nor there is order of stay to the said decision from any competent Court of law.

4. In above facts and circumstances, we are of the opinion that Mr. Tushar Khetal cannot continue with the prosecution of above petition on behalf of the said society when general body of the society has resolved to withdraw the writ petition. Petition is accordingly disposed of.

.5 In view of the disposal of writ petition, pending applications, if any, do not survive for consideration and the same are accordingly disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]