

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.11269 OF 2018

ORDER: (ORAL) (*Per the Hon'ble Sri Justice S.V.Bhatt*)

High Court Colony (West) Kanchagachibowli Residential
Plots' Owners' Welfare Association is the petitioner.

The petitioner prays for the following relief:-

...this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 7th respondent-society in interfering with the allotment, possession and enjoyment of the plots allocated to all the 1119 members of the Housing Society as per the judgment of the Honble Division Bench of this Hon'ble Court passed in W.A.No.260/2013 and batch, dated 5.3.2013 and also declaring the action of the respondents 2 to 4 in not implementing the findings of the Enquiry report, dated 1.1.2014 and in not implementing the order of the Hon'ble Division Bench of this Hon'ble Court in W.P.M.P.No. 45452/2016 in W.P.No.36900/2016, dated 4.11.2016 and the report submitted by the 6th respondent as illegal, arbitrary and contrary to the Judgment of the Division Bench of this Hon'ble Court in W.A.No.260/2013 and batch, dated 5.3.2013 and in violation of the statutory provisions of the Mutually Aided Co Operative Societies Act 1995 and in violation of Article 21 and 300A of the Constitution of India and consequently, to direct respondents 2 to 4 to take appropriate action in consonance with the provisions of the Mutually Aided Cooperative Societies Act 1995 and also to direct the respondents 2 to 4 to conduct elections to the 7th respondent-society passing appropriate orders pursuant to the Adhoc Committee appointed by the petitioner-Association, vide Letter dated 12.3.2018 or in the alternatively, to direct the respondents 2 to 4 to conduct a General Body Meeting under section 23(3) of the MACS Act for appointment of the Adhoc Committee in the interest of all the Plot Allottee members of the society and to pass..."

The writ petition is listed along with W.P.No.36900 of 2016 and batch. Mr.G.U.R.C.Prasad made submissions in support of the writ prayer for considerable length of time and after arguing the matter for some time, and particularly taking note of the observations

made by and orders passed by the Bench, Mr.G.U.R.C.Prasad, for the present, seeks liberty not to press the present writ prayer and also to agitate as and when the cause of action arises. The statement is placed on record and accepted.

With the above observations, the writ petition is dismissed as withdrawn. While dismissing the writ petition, we notice that the writ petition is permitted to be withdrawn in view of the orders passed by this Court in W.P.No.36900 of 2016 and batch from time to time. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

20th November, 2018

Pnb/Lrkm