

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9319 OF 2018
WITH
WRIT PETITION NO. 9320 OF 2018**

The Eden Bungalows Co-operative
Housing Societies Ltd. & Anr.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Ranjeev Carvalho a/w. Ms. Subhasre Chatterjee, I/by M/s.
Manilal Kher Ambalai & Co. for the Petitioner.

Ms. V. S. Nimbalkar, AGP, for the Respondent No.1 to 3 -State.

Mr. Chetan Dambre, for the Respondents No.4 to 6.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2019.

P.C.:-

1] The learned counsel appearing for the respondent Nos.4 to 6 raised a preliminary objection that under Section 152 of the Maharashtra Co-operative Societies Act, 1960 a substantive appeal is maintainable and without availing the said alternate remedy the present petition is filed.

2] Facing with the said difficulty, the learned counsel for the petitioner, on instructions, seeks leave to withdraw the present

petitions with liberty to file an appeal to challenge the order dated 31/05/2018 passed under section 79(2)(B) of the Maharashtra Co-operative Societies Act, 1960.

Leave and liberty granted.

3] Both the Petitions are disposed off as withdrawn.

4] The ad-interim relief, granted by Order dated 27/06/2018 by this Court shall remain in force for a period of three weeks from today.

5] It is needless to mention that this Court has not adjudicated the issue involved in the present petitions and are disposed off in view of availability of alternate remedy.

6] Petition is disposed off.

(A.S. GADKARI, J.)