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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION(L)NO.236 OF 2019
WITH
WRIT PETITION(L)NO.237 OF 2019
WITH
WRIT PETITION(L)NO.238 OF 2019
WITH
WRIT PETITION(L) NO.239 OF 2019
WITH
WRIT PETITION(L)NO.242 OF 2019

Sarla Mitter Bedi & Anr.

..Petitioners.

v.

The Deputy Registrar, Co-operative Societies,
Mumbai & Ors.

..Respondents.

Mr.Kishor S. Patil alongwith Mr.Pratik Rahade, for the Petitioners in all the Petitions.

Ms.P.H.Kantharia, GP for Respondent Nos.1 and 5 in WPL No. 236/2019, WPL No.237/2019 and WPL No.238/2019 and for Respondent Nos.1 , 4 and 5 in WPL No.239/2019 and WPL No.242/2019.

Mr.Dilip Bodake for Respondent Nos.3 and 6 in all the Petitions.

Mr.Salil Hirani i/by Ms.Shabnam Latiwala for Respondent No.7 in WPL No.237/2019 and WPL No.238/2019.

Mr.Anil Agarwal alongwith Ms. Pooja Rathod for Respondent No.7 in WPL No.242/2019.

Dr.Dnyaneshwar Dongre, Registrar, Co-operative Societies, A Ward, Mumbai, Mr.P.A. Koche, Co-operative Officer, Grade I and Mr.Uday Shenoy, Manager, Jolly Maker I Premises Co-operative Housing Society, present in Court.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE : 1st FEBRUARY, 2019.

P.C.

- 1] Heard learned counsel for respective parties.
- 2] After hearing the matter at length, we find that the contentions raised in the complaint lodged by the Petitioners were based on the Maharashtra Ordinance No.XXV of 2018 dated 30th October, 2018 issued by the Co-operation, Marketing and Textiles Department, in terms of which an “associate member” could not contest the election in terms of Section 154-B of the Maharashtra Co-operative Societies Act, 1960.
- 3] This particular ordinance has in the meantime lapsed and learned Government Pleader representing the State has produced before us a communication received by her dated 1st February, 2019, which indicates that the Ordinance was placed before the Legislative Assembly and since the assembly did not confirm the same the said ordinance has lapsed with effect from 31st December, 2018. Communication is taken on record.
- 4] Learned counsel for the Petitioners on instructions submits that he seeks to withdraw the present Writ Petition keeping all the contentions raised by him open for canvassing at an appropriate time and with liberty to file Election Petition in the event the Petitioners seek to challenge election of any person who may be elected in pursuance of the election scheduled to be held on 3rd February, 2019.

5] In view of the above, WRIT PETITION(L)NO.236 OF 2019, WRIT PETITION(L)NO.237 OF 2019, WRIT PETITION(L)NO.238 OF 2019, WRIT PETITION(L) NO.239 OF 2019 and WRIT PETITION(L)NO.242 OF 2019 stands dismissed as withdrawn, with liberty as prayed for.

6] We make it clear that, if any such Election Petition is filed, the appropriate authority shall preferably decide the same within a period of six months from the date of filing of the same, strictly in accordance with law.

(SARANG V. KOTWAL, J)

(INDRAJIT MAHANTY, J)