

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1113 OF 2019**

Pandurang Dhondiba Aurirkar .. Petitioners
vs
The Asst.Registrar, Co-op Societies
SRA & ors ... Respondents

with CHAMBER SUMMONS NO.126 AND 348 OF 2018
in
WRIT PETITION NO.1065 OF 2018

Worli Siddhivinayak SRA Co-op Housing Society Ltd ..Petitioner
vs
The Deputy Collector (Enc) and ors .. Respondents

with WRIT PETITION NO.1065 OF 2018

Worli Siddhivinayak SRA Co-op Housing Society Ltd ..Petitioner
vs
The Deputy Collector (Enc) and ors .. Respondents

Mr.Simil Purohit with Mr.Mayur Khandeparkar
I/b Mr.Samir M.Suryawanshi for Petitioner in WP No.1113/2019
Petitioner
Mr.Sanjiv Sawant I/b Mr.Samir M.Suryawanshi for Petitioner
in W.P.No1065/2018
Mr.Anoop Patil for Respondent no.1 SRA in W.P.No.113/2019
Mr.M.A.Sayed Asst.Govt Pleader for Respondent no.4 in W.No.
1065/2018
Mr.L.T.Satelkar Asst.Govt.,Pleader for Respondent nos.1,3
& 4 in W.P.No.1065/2018
Mr.Arvind D.Aswani I/b Mr.Jagdish G.Reddy for Respondent
no.2 in W.P.No.1065/2018
Mr.Karl Tamboly with Mr.Bhavek Manek I/b Ms.Rukmini A.Thokal
Meher for Petitioners in W.P.No.907/2019 NOB

CORAM : S.C.GUPTE, J

DATE : 22 AUGUST, 2019

P.C

1. This Petition concerns orders of the Assistant Registrar, Co-operative Societies, and Divisional Joint Registrar, Co-operative Societies, Mumbai Division, in a matter concerning an SRA project. In pursuance of the orders passed by this Court in companion petitions, a fresh Annexure II has been prepared by the Competent authorities. Since the original Annexure II based on which initiation of the election process of the managing committee of the society of slum-dwellers was directed and which has been the subject of challenge in the present petition, has been over-ridden by new Annexure II prepared in the matter, according to the Petitioners, the Petition has become infructuous. Learned counsel for the Petitioners, accordingly, seeks leave to withdraw the petition.

2. Accordingly, the Petition is dismissed as withdrawn with no order as to costs.

3. The Administrator of the slum-dwellers' society appointed in pursuance of the earlier orders passed by this Court shall now proceed with holding of the elections in accordance with the orders passed by this Court. Since a companion Petition of rival slum-dwellers, namely, Writ Petition No.907 of 2019, which is not on board, concerns the validity of the new Annexure-II, as observed by this Court, in its order dated 10.5.2019 in that Petition, further steps taken in pursuance of new Annexure-II including holding of elections shall be without prejudice to the rights and contentions of the parties in Writ Petition No.907 of 2019.

4. So far as the other companion Petition, namely, Writ Petition No.1065 of 2018, is concerned, learned counsel appearing for the Petitioners seeks leave to withdraw the Petition for the same reasons as are urged, and set out above, in particular, on account of certification of Annexure-II which has now been accomplished. Learned counsel for the Petitioners in Writ Petition No.907 of 2019 submits that his clients have not received any notice of certification of Annexure-II. Be that as it may, since it is the Petitioners' own case is that such certification has occurred and as a result, they seek leave to withdraw their Petition, the petition deserves to be allowed to be withdrawn.

5. The Writ Petition is accordingly dismissed as withdrawn. No order as to costs.

6. In view of the disposal of writ Petition No.1065 of 2018, the Chamber Summonses taken out therein, namely, Chamber Summonses No.126 of 2018 and 348 of 2018, do not survive and the same are also disposed of.

(S.C.GUPTE, J)