

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

WRIT PETITION NO. 930 OF 2019

Kolhapur Zilla Sahakari Dudh Utpadak
Sangh Ltd.

... Petitioner

V/s.

Dada Bhuyekar Co-op. Dairy Society
Ltd., & Ors.

... Respondents

Mr. Surel S. Shah, for the Petitioner.

Mr. S. S. Patwardhan a/w. Mr. Chetan Patil for the Respondent No.1.

Mr. C. D. Mali, AGP, for the State/Respondent Nos.2 and 3.

CORAM : UJJAL BHUYAN, J.

DATE : JANUARY 17, 2020.

PC:-

1] Heard Mr. Shah, learned counsel for the Petitioner; Mr. Patwardhan, learned counsel for the Respondent No.1; and Mr. Mali, AGP, for the Respondent Nos.2 and 3.

2] This petition has been filed under Articles 226 & 227 of the Constitution of India. Petitioner seeks quashing of order dated 18th August 2018 passed by the Joint Registrar of Co-op. Societies (Dairy), Maharashtra State, Mumbai – Respondent No.3 in Revision Application No.1 of 2018 filed by the Petitioner to the extent of clause No.3 of the said order.

3] This Court by order dated 08th January 2020 had issued notice and passed an interim order to the effect that further steps pursuant to the impugned order dated 18th August 2018 should not be taken.

4] It is for vacation of the aforesaid order, Respondent No.1 has

preferred Interim Application No. 1 of 2020.

5] Impugned order dated 18th August 2018 was passed by the Respondent No.3 in revision application filed by the Petitioner. Petitioner had filed the revision application against the order dated 13th March 2018 passed by the Respondent No.2 allowing the appeal of Respondent No.1 and directing Petitioner to enroll Respondent No.1 as a member of the Petitioner-society within 30 days.

6] After hearing the matter at some length and after taking instructions, Mr. Shah submits that even as this belated stage, he would like to withdraw the revision application. If the revision application is withdrawn, the impugned order dated 18th August 2018 would no longer survive in which event the order of Respondent No.2 dated 13th March 2018 would attain finality.

7] Mr. Patwardhan, learned counsel for Respondent No.1 has no objection to the prayer made.

8] In the light of the above, Petitioner is permitted to withdraw Revision Application No.1 of 2018 filed before Respondent No.3 and on such withdrawal order passed by Respondent No.3 on 18th August 2018 in the said revision application would also cease to have effect as it would automatically stand withdrawn with the revision application. Consequently order of Respondent No.2 dated 13th March 2018 would hold the field.

9] Ordered accordingly.

10] Writ Petition is disposed of.

(UJJAL BHUYAN, J.)