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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
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WRIT PETITION NO.6860 OF 2022

Balgonda B. Naik & Ors.

...Petitioners

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Shailendra S. Kanetkar for the Petitioners.

Mr.P.P. Kakade, Government Pleader with Mr.P.G. Sawant, AGP for
the State - Respondent Nos.1 and 2.

Mr.Prashant Bhavake with Mr.Utkarsh Desai for the Respondent
Nos.3-A to 3-C.

CORAM : R.D. DHANUKA &
MADHAV J. JAMDAR , JJ.
DATE : 17TH JUNE, 2022.

P.C. :-

1. Rule. Learned AGP waives service for the respondent
nos.1 and 2. Mr.Bhavake waives service for the respondent nos.1-A
to 1-C. Rule returnable forthwith.

2. By this petition, the petitioners seek a writ of mandamus
directing the respondents to continue with and expeditiously
conclude the program for finalization of list of voters, declared by
public notice dated 31st May, 2022 as also the further program for
voting and election of the members of the Managing Committee of
the respondent no.3 expeditiously.

2. Mr.Kanetkar, learned counsel for the petitioners invited our attention to the notice dated 21st May, 2022 issued by the Administrator calling special general meeting of the society on 11th June, 2022. He submits that the tenure of the Administrator was over and thus he could not have requested any such meeting.

3. Mr.Bhavake, learned counsel for the respondent nos.1A to 1-C tenders a copy of the minutes dated 11th June, 2022 and of the Sugar Karkhana thereby resolving to grant the property of the Karkhana on lease. The said minutes are taken on record.

4. A perusal of the said minutes indicates that it would take time for the execution of the lease document in favour of the party at least upto 30th September, 2022. The said minutes further indicates that about 2184 members were present and supported the said resolution.

5. Mr.Bhavake, learned counsel for the respondent nos.1A to 1-C states that according to the election programme for finalization of the voters list in case of members of the petitioners and in accordance with the provisions of the M.C.S. Act and Rules, the election process is likely to be completed not before 31st August, 2022 and the new Managing Committee would be then elected.

6. In our view, since the election is expected to be over by 31st August, 2022 and the process of execution of the lease

agreement would be beyond the declaration of election, we vacate the *ad-interim* order passed by this Court. In view of the statement made by the learned counsel for respondent nos.1-A to 1-C, no further orders are required to be passed in this petition.

7. It is made clear that if the new Managing Committee is elected, it is open for the Managing Committee to call for annual general body meeting or special general body meeting as the case may be to reconsider or review the decision taken by the members in the special general body meeting held on 11th June, 2022 in accordance with law.

8. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

(MADHAV J. JAMDAR, J.)

(R.D. DHANUKA, J.)