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

WRIT PETITION NO.7105 OF 2022

The Sangli Salary Earners Co-operative
Society Ltd., Sangli and Ors. ... Petitioners
versus

Principal Secretary, Department of
Co-operative, State of Maharashtra & Ors. ... Respondents

Mr. P. G. Lad with Sayli Apte, Shreya Shah for the Petitioners.
Mr. Akshay Shinde “B” Panel with Smt. R. A. Salunkhe, AGP for
the Respondent-State.

**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 21 DECEMBER 2023

P.C.:

Heard learned Counsel for the parties.

2. The Petitioners have challenged the notification dated 28 March 2022, and proviso to Section 144-5A of the Maharashtra Co-operative Societies Act, 1960 published in the Government Gazette dated 28 March 2022.

3. The second substantive prayer is regarding the order passed on 9 June 2022, by Respondent No.3-District Deputy Registrar

and Election Officer with a direction to add the names of 2344 members in the voters list.

4. This Petition was filed on 15 June 2022, wherein the elections of the Petitioner-Society for the year 2022-23 to 2026-27 were to be held. We are informed that the elections are now complete.

5. The learned Counsel for the Petitioners state that even though the elections are concluded and that other prayers regarding elections may not survive, still the challenge to the proviso to Section 144-5A should be continued in different facts and circumstances, which are not record today. Thus, the declaration sought regarding the legal position as per the pleadings as of today is academic.

6. That be the position, it is always open to the Petitioners to institute fresh challenge, if so advised to the proviso based on the changed facts and circumstances, to be considered on merits. With these observations, Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)