

Gitalaxmi

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

**WRIT PETITION NO. 858 OF 1999
WITH
CIVIL APPLICATION IN WRIT PETITION NO. 749 OF 2005
IN
WRIT PETITION NO. 858 OF 1999**

Balwant Govind Chougule & Ors. ... Petitioners
V/s.
Shri. A. T. Kadam & Ors. ... Respondents

Mr. C. G. Gavnekar a/w Mr. Ashutosh Gavnekar, Adv.
for the Petitioners.

Mr. J. P. Patil, A.G.P. for the State-Respondent Nos. 1 to
3.

Mr. Avesh A. Gahdge i/b Mr. A. M. Kulkarni, Adv. for
Respondent No. 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2025

P.C.:

1. It transpires from the record that the principal grievance of the Petitioners stems from the levy of water charges by the Respondent No. 4-Lift Irrigation Society, even though the Petitioners are non-members thereof. The validity of such levy was impugned on the anvil of the relevant bye-laws and the attendant statutory provisions. However, during the pendency of the present Petition, the Assistant Registrar of Co-operative Societies, Radhanagari, District-Kolhapur, by order dated 18th April, 2016, proceeded to de-register Respondent No. 4-society. The said order

of de-registration has remained unchallenged and has, therefore, attained finality.

2. In view of the de-registration of the said society, the substratum of the dispute has effectively ceased to exist. It is a settled proposition of law that where the cause of action for a lis is extinguished or rendered non-est by a subsequent event, the issue becomes purely academic. If the subject matter of the dispute is taken away by subsequent events or if the relief claimed can no longer be granted, the Courts ordinarily refrain from pronouncing upon purely academic issues. Courts should not decide matters which have lost their relevance due to supervening events. Guided by these well-settled principles, it is manifest that the Petition, insofar as it seeks to challenge the levy of charges by an entity that no longer exists in the eyes of law, has been rendered academic and warrants no further adjudication on merits.

3. Learned Counsel for the Petitioners, Mr. Gavnekar, has adverted to the order dated 23rd March, 2000, whereby this Court had directed the Petitioners to deposit the sum of Rs. 1,56,381/- as charges claimed by Respondent No. 4-society. It is not in dispute that the Petitioners duly complied with the said direction and deposited the amount with this Court.

4. The thrust of the Petitioners' submission is that, consequent to the de-registration of Respondent No. 4-society, there is no lawful claimant to the deposited amount. In the circumstances, the Petitioners have sought refund of the deposit, together with the interest, if any, accrued thereupon. The Petitioners' right to

reclaim the deposited amount stands vindicated, particularly as Respondent No. 4-society is de-registered and the cause for which the amount was deposited no longer survives.

5. At this stage, learned Advocate for the Petitioners draws attention to the fact that out of the total 39 Petitioners, only 13 Petitioners contributed towards the deposit. A detailed list of the 13 contributing Petitioners has been placed on record. It is thus submitted that the refund, along with accrued interest, should be released exclusively in favour of these 13 Petitioners, in equal proportion, since they alone actually parted with the money.

6. Considering the settled doctrine that restitution is granted to the party who bore the burden, it logically follows that only those Petitioners who contributed to the said deposit are entitled to receive the proportionate share of the refunded amount. The Court is duty-bound to ensure that the distribution of any such amount is made to the rightful claimants alone. If any of the aforesaid 13 Petitioners has unfortunately passed away in the interregnum, the corresponding legal heirs shall stand substituted and shall be entitled to the proportionate share of the refund, complete with whatever interest has accrued.

7. Accordingly, the registry is directed to release the deposited amount in equal proportion, along with the accrued interest, if any, to the said contributories to the 13 contributing Petitioners (or their duly substituted legal heirs, where applicable). Such disbursement shall be final and binding, and no further claim by any other Petitioner shall be maintainable in respect of the said

deposit.

8. In light of the de-registration of Respondent No. 4-society and the consequent extinguishment of the subject matter of the Petition, the reliefs sought in respect of the levy of water charges stand rendered academic. The Petition, to that extent, is disposed of as infructuous.

9. The Petitioners' prayer for refund of the deposited amount stands allowed. The registry shall forthwith refund the sum of Rs. 1,56,381/-, along with accrued interest, if any, to the 13 contributing Petitioners mentioned below (or their legal heirs in case of death), in equal proportion.

Sr. No.	Name of the Petitioner
1	Pandurang Dattu Chougale
2	Vilas Dattu Chougale
3	Sambhaji Dattu Chougale
4	Shripati Yesba Chougale
5	Ananda Shripati Chougale
6	Dinkar Shripati Chougale
7	Gopal Dyanu Chougale
8	Satapa Dyanu Chougale
9	Ishwara Yesba Chougale
10	Namdev Ishwara Chougale
11	Lahu Ragho Chougale
12	Shivaji Lahu Chougale
13	Kerba Lahu Chougale

10. With this observations, the Petition stands disposed of.

(AMIT BORKAR, J.)

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
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