

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

WRIT PETITION NO.7811 OF 2014

Mr. Uday G. Naik and others

.. Petitioners

Versus

Samata Nagar Guruprasad Sahakari

Grihanirman Sanstha Ltd. and others

.. Respondents

Shri. Sanjay Yedve, Petitioner No.3 in person present.

Shri. Suraj Iyer i/by M/s. Ganesh and Co., for the Respondent No.1.

Shri. Aditya N. Raut i/by Desai Desai Carrimjee and Mulla, for the Respondent No.2.

Shri. Pramod N. Patil, for the Respondent No.10.

CORAM : R.M. SAVANT, J.

DATE : 05th MAY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 14.07.2014 passed by the Co-operative Appellate Court by which order the Appeal filed by the Petitioners herein came to be dismissed and resultantly, the order dated 30.01.2014 passed by the Co-operative Court allowing the application for interim reliefs filed by the Respondent No.1 society came to be confirmed. The Petition also challenges the order dated 01.08.2014, by which order the Review Application filed by the Petitioner seeking review of the order dated 14.07.2014 came to be dismissed by the Co-operative Appellate Court on

the ground that no case for review has been made out.

2. At the outset, the conduct of the Petitioner would have to be commented upon. The Petitioner Shri. Sanjay Yedve conducted himself in a manner thereby making it virtually impossible for this Court to adjudicate upon the above Petition, as the Petitioner without referring to the impugned orders or the writ paper-book relied upon various papers and also sought to make wild allegations against the Learned Judges of the Co-operative Court and the Co-operative Appellate Court as also sought to use language which in the least can be said to be intemperate and disrespectful. A Division Bench of this Court V. M. Kanade & A. R. Joshi, JJ. in Writ Petition (Lodging) No.985 of 2015 had also an occasion to comment upon the conduct of the Petitioner. The Division Bench in its order dated 07.04.2015 has observed thus :-

“When Writ Petition (L) No.985 of 2015 was called out Shri. Sanjay Radhakrishna Yedve intervened in the matter though he is not a party in the said proceeding and started making allegations against MHADA and the respondents. Despite several requests being made to him to calm down, he refused to accede to the requests made by this Court and kept on disrupting the Court proceedings. We found that he was disturbed mentally on account of certain orders which were passed by the Co-operative Court and against which he has preferred writ petition which is pending before the learned Single Judge of this Court. When he continued to disrupt the court proceedings, we called the police officers and requested them to take him out of the Court room. Accordingly, he has been removed from the Court room by the police officers who are attached to the police Chowky of the High Court building.”

Though the Petitioner by his conduct made every attempt to see to it that the matter is not proceeded with, it is with the assistance of the Learned Counsel appearing for the Respondents that the above Petition was heard for admission.

3. As indicated above, it is the order dated 14.07.2014 passed by the Co-operative Appellate Court as also the order dated 01.08.2014 passed by the Co-operative Appellate Court rejecting the Review Application filed by the Petitioner which is taken exception to by way of the above Petition.

4. In so far as the order passed by the Co-operative Appellate Court is concerned, two Petitions being Writ Petition No.7270 of 2014 and Writ Petition (Stamp) No.20174 of 2014 were filed by two sets of Petitioners who were similarly situated as the Petitioners in the instant Petition challenging the identical orders passed by the Co-operative Appellate Court which were also dated 14.07.2014 and which orders also confirmed the grant of identical interim reliefs by the Co-operative Court to the Respondent No.1 society. The said Writ Petitions came to be dismissed by this Court by order dated 05.08.2014 inter-alia for the reasons recorded in the said order. Whilst dismissing the said Petitions this Court recorded the fact that the Petitioners in the said Petitions would be treated similarly as the other occupants of the said Samta Nagar in the

matter of being allotted transit accommodation as well as permanent alternate accommodation. For the reasons mentioned in the said order dated 05.08.2014 passed in the said two Petitions, the above Writ Petition would also have to be dismissed. In so far as the rejection of the Review Application is concerned no fault can be found with the order dated 01.08.2014 passed by the Co-operative Appellate Court.

5. In so far as the above Petition is concerned, it is the contention of the Learned Counsel for the Respondents that the other Petitioners have vacated the premises occupied by them and it is only the Petitioner Shri. Sanjay Yedve who is prosecuting the above Petition. In so far as the Petitioner Shri. Sanjay Yedve is concerned, the Division Bench of this Court V. M. Kanade and A. R. Joshi, JJ has in Writ Petition (Lodging) No.985 of 2015 in the order dated 07.04.2015 recorded the statement made by the Learned Senior Counsel for the Respondent No.4 in the said Petition that the Petitioner herein i.e. Sanjay Yedve will be permanently accommodated in a flat admeasuring 484 sq.ft. carpet. This in my view adequately protects the interest of the Petitioner. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]