

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 401 OF 2016

SHRI. RAJAN V. KAMAT.

... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 3 ORS.,

... Respondents

Mr. Shashikant Narayan Joshi, Advocate for the petitioner.

Mr. R. Ferreira, Advocate for the respondent no.3.

Coram:- C. V. BHADANG, J.

Date:- 5th May, 2016

P.C.

After hearing the parties for some time, it appears that the petition can be disposed of by consent of the parties. However, brief narration of dispute would be necessary.

2. The petitioner, who is a member of the respondent no.3 society, has some dispute with the society on parking of the vehicles. In a meeting held on 27/09/2015, the society in its Annual General Meeting (AGM) had resolved as under :

"a) Every member should be given 2 stickers for 2 cars and the stickers have to be pasted on the windshield for Entry, Exit and Parking.

b) If any member does not use the sticker, the Society has the

authorisation to tow away the vehicle parked in the Society premises at the risk and responsibility and cost of the owner.
c) The Rules regarding parking/ entry of vehicles would apply with immediate effect."

3. This was challenged by the petitioner before the Assistant Registrar of Co-operative Society under dispute No.ARCS/AE/NGD/Dispute appln/R.V.K.24/2015-16, which is pending. In that case, there was an order of status-quo passed on 29/10/2015, which was vacated on 06/01/2016. That was challenged by the petitioner before the Co-operative Tribunal in Co-operative Appeal No.2/2016 which is dismissed on 24/02/2016. The petitioner is aggrieved by the order by which the order of status-quo was vacated which was eventually confirmed by the Co-operative Tribunal.

4. The parties now agree that all their rival contentions can be gone into by the Assistant Registrar/ Registrar's Nominee and they are, accordingly, left open.

5. The learned Counsel for the petitioner, on instructions, states that the petitioner is now intending to park his two cars having registration No.GA-07-E-3891 and GA-07-E-9124 in the allotted parking place.

6. The learned Counsel for the respondent no.3 society, on instructions, states that the society will issue fresh parking passes to the petitioner for parking of these two vehicles in the parking slots, within two days.

7. The petitioner undertakes that the parking stickers will be affixed to the windshield of the cars, as has been resolved.

8. The petitioner also undertakes that he will remove the car bearing registration No.GA-01-S-3891, within a period of two days from today.

9. The question of the charges levied by the Co-operative Society for alleged unauthorised parking of car bearing no.GA-01-S-3891 is left open. Needless to mention that the parties would be at liberty to agitate this issue before the appropriate forum, in accordance with law.

10. The statements made on behalf of the respective parties are accepted.

11. The petition is disposed of in the aforesaid terms, with no order as to costs.

C. V. BHADANG, J.

SMA