

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

WRIT PETITION NO. 802 OF 2016

1. Shailesh B. Parekh & Ors.	... Petitioners
Vs	
1. Shri C.S. Patil & Ors.	... Respondents

Mr. Nikhil Sakhardande i/b Mr. H. Rahman for the Petitioner.

Mr. Girish Godbole, senior counsel i/b Mr. Sumit Kothari for the Respondent No.5.

Mr. P.G. Sawant, AGP, for the Respondent No.6.

***CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.***

TUESDAY, 19TH JANUARY, 2016

P.C. :

1. The only contention raised by Mr. Sakhardande, learned counsel appearing on behalf of the petitioners is that the Administrators or the Board of such nature has no power to take a policy decision and to effect a change of developer mid-stream is indeed a policy decision.

2. We are mindful of the limitations or restrictions on the powers of the Administrators and as set down in several

principles emerging from the Hon'ble Supreme Court decisions. However, whether in the given facts and circumstances, the decision taken can be termed as a policy decision, much less a major one, whether that was indeed in accordance with law are all disputed issues. We have a Co-operative Housing Society before us who is Respondent No.5. Merely because an Administrator is appointed does not wipe out its legal existence. Equally, we have people before us as petitioners who are styling themselves as members of the respondent No.5. If their existence is independent of the Society in law and as seriously urged, then, we find that against the Cooperative Housing Society there are adequate remedies available in law. If the management and administration of that society is temporarily with the Administrator, nothing prevents the petitioners from proceeding against him as well in law.

3. In the teeth of all such remedies in the Act, we do not deem it fit and proper to entertain this Writ Petition. We dismiss the same.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.