

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL JURISDICTION**

WRIT PETITION NO.1435 OF 2016

Mr. Leslie Almeida Petitioner

versus

The Salsette Catholic Co-operative
Housing Society Ltd. ... Respondents

Mr.G.Y. Kalro i/b. Mr.Lobo Glenn Anthony for the Petitioner.
Mr.Clive D'Souza for the Respondent.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.**

DATE : 03rd OCTOBER, 2016.

ORDER :-

1. This Writ Petition is filed under Article 226 of the Constitution of India against the only Respondent “The Salsette Catholic Co-operative Housing Society Ltd.”, which is a private party. We have perused the prayers which read as under:-

- “1. This Hon'ble Court declare the acts of affixing the Plaque on the compound wall of the lease hold plots be declared illegal and not binding on the Petitioner and members of the Society.
2. Pending the hearing and final disposal this Hon'ble Court be pleased to restrain the respondent society its agents, workers executors or anyone acting on their behalf

- from installing plaques on the compound walls Of members (lessees);*
3. *Pending the hearing and final disposal this Hon'ble Court be pleased to restrain the respondent society its agents, workers executors or anyone acting on their behalf from collecting Rs.100 per sq foot as development (aims and objectives) charges without due process of Law;*
 4. *Pending the hearing and final disposal this Hon'ble Court be pleased to restrain the respondent society its agents, workers executors or anyone acting on their behalf from collecting Rs.100 per sq. foot from members giving out their flats on leave and license and restraining the respondent from insisting on keeping Roman Catholics only;*
 5. *Pending the hearing and final disposal this Hon'ble Court be pleased to restrain the respondent society its agents, workers executors or anyone acting on their behalf from doing such acts which are not in accordance with the Maharashtra Co-operative Society Act 1960 and rules 1961 and also the 97th constitutional amendment act which pertains to Maharashtra co-operative societies act and rules;*
 6. *This Hon'ble Court be pleased to pass directions/orders by writ of Mandamus or Criterio or any other writ as deemed fit and proper.”*

2. Considering the above prayers and the Petition being filed only against a private party namely the co-operative society Petition under Article 226 of the Constitution of India is surely not

maintainable. The Petitioner has appropriate alternative remedy available in law. Writ Petition is misconceived and is accordingly dismissed.

3. All contentions of the parties on merits of the matter are kept open.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)