

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

WRIT PETITION NO. 157 OF 2014

|                          |   |             |
|--------------------------|---|-------------|
| Ashok G. Bhosle and Ors. | } | Petitioners |
| versus                   |   |             |
| Assistant Registrar, SRA | } |             |
| and Ors.                 | } | Respondents |

Ms. Geetanjali Shinde for the petitioners.

None for the respondents.

CORAM :- S. C. DHARMADHIKARI &  
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATED :- August 11, 2016

P.C. :-

1) The petitioners are aggrieved and dissatisfied with certain acts of respondent no. 4 society.

2) The grievance of the petitioners is that they are members of this society. It is a housing society. The petitioners are also candid enough to state that the society has been demanding money, which are not due and payable. The petitioners have highlighted these acts of omission and commission on the part of the office bearers of the society. It is stated that despite various complaints to the managing committee, it is not attending to them. The society has started collecting money from the members forcibly under the pretext of maintenance and in

default, threatening everybody that such defaulters would not be provided with basic amenities and services.

3) The grievance being of such nature, we invited the attention of the petitioners' advocate to the Maharashtra Co-operative Societies Act, 1960 and particularly section 91 thereof.

4) The petitioners' advocate insisted that the petitioners also have a remedy to approach the Assistant Registrar of Co-operative Societies and seek his intervention so that he initiates steps and takes action under section 78 of the Maharashtra Co-operative Societies Act, 1960.

5) We do not think that the petitioners can insist on this court issuing directions for today they are unable to point out before us as to how the remedy of dispute under sub-section (1) of section 91 of the same enactment is unavailable to them. The enactment permits institution of dispute touching the constitution, elections of the committee or its officers, conduct of general meetings, management or business of a society. Secondly, if the parties to the dispute are one or the other of those mentioned in clauses (a) to (e) of sub-section (1) of section 91, then, the Co-operative Court can surely entertain the dispute.

6) We do not think that the petitioners can, therefore, insist on a direction in terms of prayer clause (a) of the petition. We do not think that we should entertain the petition when there are multiple remedies available to the petitioners.

7) With the aforesaid observations, the writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)