

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

**WRIT PETITION NO.2215 OF 2015
WITH
WRIT PETITION NO.2239 OF 2015
WITH
WRIT PETITION NO.2296 OF 2015**

Ganpat Niketan Co-op. Housing
Society Ltd.

... Petitioner

Versus

The State of Maharashtra And Others

... Respondents

.....

Mr. K.T. Kukreja i/b Ms. Meena Ruparel for the Petitioner.

Mr. U.S. Upadhyay, AGP for State Respondent Nos.1 to 3.

Mr. R.G. Singh i/b Legal Liaisons for Respondent No.4.

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CORAM : S.C.GUPTE, J.

DATE : 7 JULY 2016.

P.C. :

. By consent of parties, the Writ Petition is disposed of in terms of the following order.

: O R D E R :

(i) The impugned orders dated 21 April 2015 and 27 May 2014, respectively, passed by the Divisional Joint Registrar, Co-op. Societies, Mumbai Divn., Mumbai and Deputy Registrar of Co-operative Housing Society, H Western Division, Mumbai, are set aside;

(ii) Respondent No.4 herein through its Counsel hands over copies of applications made and documents submitted for

transfer of membership in favour of Respondent No.4 to the Advocate of the Petitioner-society in Court. The Petitioner's Advocate confirms having received such applications and documents;

(iii) The Petitioner shall accept the transfers and admit Respondent No.4 as member of the Petitioner-society in respect of three premises being the subject matter of the present Petition, within a period of four weeks from today;

(iv) The proposed Annual General Meeting of the Petitioner-society, scheduled to be held on 17 July 2016, shall be suitably postponed by the Petitioner-society so as to enable Respondent No.4 herein to participate in the meeting;

(v) It is made clear that acceptance of transfers in favour of Respondent No.4 and admission of Respondent No.4 to the membership of the Petitioner-society in respect of the premises referred to above, shall be without prejudice to the contention of the Petitioner-society that there is an unauthorised alteration and excess claim in the area of the subject premises;

(vi) It is also made clear that the Petitioner-society shall be within its rights to take such steps as may be permissible

in law in respect of the alleged alterations of the premises as well as the alleged excess area claimed by Respondent No.4 and also in respect of the alleged claim of Central Bank of India in respect of its alleged dues in respect of Flat No.3, forming part of the subject premises;

(vii) Learned Counsel for Respondent No.4 confirms that Flat No.8, forming part of the subject premises, is used by his client only for residential purposes and not for any commercial activities;

(viii) Respondent No.4 shall permit the Petitioner-society to inspect the premises with a view to ascertain the structural stability of the premises;

(ix) Respondent No.4 shall also forward a fresh cheque of membership fees in respect of transfer of all three Flats, forming part of the subject premises. Such payment shall be made within a period of one week from today;

(x) Upon the Petitioner-society accepting the transfers and admitting Respondent No.4 to its membership in respect of the subject premises, the respective original share certificates with transfers duly endorsed thereon, shall be handed over by the Petitioner-society to Respondent No.4.

(S.C.GUPTE, J.)