

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5089 OF 2014**

Sou Jyoti Arun Jalake

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. V. B. Tapkir for the Petitioner

Mrs. R. A. Salunkhe AGP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 10th NOVEMBER, 2017**

P.C.

1 The Petitioner it seems has a grievance as regards the election of the persons who were the members of the Managing Committee of the society known as Amar Cottage Co-operative Housing Society. It is the contention of the Learned Counsel for the Petitioner that instead of taking action under Section 78A, an action under Section 77A came to be taken against the erstwhile Managing Committee which has resulted in the elections being held and the same persons who were the members of the earlier Managing Committee being elected. In our view, since the order dated 2-5-2011 passed under Section 77A was not challenged by the Petitioner, it is now not open for the Petitioner to raise contentions as regards the legality and validity of the said order. If the Petitioner is aggrieved by the elections of the same persons who constituted the earlier Managing Committee, it would be open for the

Petitioner to adopt appropriate proceedings challenging their elections on such grounds as are available in law. We express no opinion in that regard. With the observations as aforesaid, the above Writ Petition is disposed of.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]