

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

**WRIT PETITION NO.13254 OF 2016  
WITH  
CIVIL APPLICATION (ST) NO.2801 OF 2017  
IN  
WRIT PETITION NO.13254 OF 2016**

New Heaven C. H. S. Ltd.

... Petitioner

Vs

The State of Maharashtra & Ors.

... Respondents

...

Mr. R. S. Apte i/b. Mr. A. P. Vanarse for the Petitioner.

Ms. Kavita Solunke, AGP for the Respondent Nos. 1, 1-A & 1-B.

Mr. S. V. Marne for the Respondent No.3.

Mr. Krishna K., applicant in CAWst/280/2017 present.

Mr. Akshay Kulkarni h/f Mr. A. M. Kulkarni for the Respondent No.2-  
CIDCO.

**CORAM : B. R. GAVAI &**

**M. S. KARNIK, JJ.**

**DATE : 19<sup>th</sup> SEPTEMBER, 2017**

**P.C. :**

1] It appears that there is a dispute between two groups of a Housing Society with regard to allotment of the FSI.

2] We find that such a dispute can be conveniently gone into in the appropriate proceedings either under Section 91 of the Maharashtra

Co-operative Societies Act or before the Competent Civil Court. We are of the considered view that such disputed question of facts cannot be gone in the extraordinary jurisdiction of Article 226 of the Constitution of India. The petition is rejected, relegating the petitioner to the alternate remedy available in law.

3] Needless to state that all rival contentions available to the parties are kept open.

4] In view of the order passed in Writ Petition, the Civil Application (ST) No.2801 of 2017 is also disposed of.

*(M. S. KARNIK, J.)*

*(B. R. GAVAI, J.)*