

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

WRIT PETITION NO.5277 OF 2014

M/s.Villayati Ram Mittal

.. Petitioner

Vs.

Krishna Galaxy (SRA) Cooperative
Housing Society Ltd. (Regd) & Ors.

.. Respondents

Mr.Sameer Kolge for the petitioner.

Mr.S.D.Rayrikar, AGP for the respondent nos.3 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 16th August 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 15th January 2014 passed by the learned Minister, Department of Co-operation and Textile, Mantralaya, Mumbai dismissing the revision application bearing No.259 of 2009 filed by the petitioner.

2. The petitioner was the developer who had carried out construction of three buildings. The members of the buildings applied for formation of the Society. The society was registered on 5th July 2007 by the respondent no.3 under Section 9 of the Maharashtra Co-operative Societies Act, 1960 (for short “the MCS Act”).

3. The petitioner challenged the said order by filing an Appeal No.166 of 2007 before the respondent no.1. The said Appeal No.166 of 2007 came to be dismissed by the respondent no.4 thereby confirming

the order passed by the respondent no.3. The petitioner challenged the said order by filing a revision application under Section 154 of the MCS Act on 16th December 2011 before the learned Minister, Department of Co-operation and Textile, Mantralaya, Mumbai. The learned Minister also dismissed the said revision application.

4. All the three authorities have rendered concurrent findings of facts rejecting the application of the petitioner for cancellation of the registration of the respondent no.1-society. The petitioner was given full opportunity to present his case and detail reasoned order has been passed by the three authorities. Learned Minister, Co-operation placed reliance on the judgment of this Court in the case of ***Om Sai Pratibha Co-op. Hsg. Soc. Vs. State of Maharashtra & Ors., reported in 2002 (5) Bom.C.R. 177*** holding that the builder aggrieved by the decision of the registration of the society. The said judgment would squarely apply to the facts of this case.

5. In my view, the findings rendered by the three authorities being not perverse cannot be interfered by this Court under Article 227 of the Constitution of India. The writ petition is accordingly dismissed with costs quantified at Rs.25,000/- which shall be paid by the petitioner to the respondents within one week from today.

R.D. DHANUKA, J.