

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

WRIT PETITION NO.2166 OF 2015

Suresh Ramchandra Padval .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.2589 OF 2015***

Deepak Bhalchandra Patil .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.2591 OF 2015***

Jaywant Ramchandra Shirpute .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.2592 OF 2015***

Dinesh Kantilal Panchal .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.2595 OF 2015***

Jayprakash Ganpat Bhogle .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.2596 OF 2015**

Dattaram Laxman Salvi .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.2593 OF 2015**

Shrimati Neelam Balkrishna Naik .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.2597 OF 2015**

Aga Raza Hussain .. Petitioner
Vs.
Tarabaug Aikyavardhak Co.op.
Housing Ltd. & Ors. .. Respondents

Mr.Ashish Pawar for the petitioner.
Mr.Yadunath Chaudhari a/w Ms.Prerna Lalchandani and Mr.Tushar
Pimple i/by Mr.Sandeep Kocharekar for the respondent no.1-Society.
Mr.S.H. Kankal, AGP for the State.

**CORAM : R.D. DHANUKA, J.
DATE : 7th August 2018**

P.C.:

. Not on board. Upon mentioning the Writ Petition Nos.2593
of 2015 and 2597 of 2015 are taken on board.

2. By these petitions filed under Article 227 of the Constitution
of India, the petitioners who are the members of the respondent no.1

society have impugned the order passed by the Deputy District Registrar under Section 101 of the Co-operative Societies Act, 1960 (for short “the said MCS Act”) and also the order passed by the Divisional Joint Registrar rejecting the applications filed by the petitioners under Section 154 of the said MCS Act.

3. The petitioners are in arrears of the outgoing of parking charges and also the Municipal taxes and water charges for last several years. The impugned orders are challenged on the ground that in so far as the parking charges are concerned, the parking charges could not have been enhanced by the society without passing an appropriate resolution in the General Body Meeting of the society.

4. Both the authorities have given the findings of facts that each and every recovery sought by the society in the bill is supported by the resolution and/or right to recover such amounts from the members under the bye-laws. A perusal of the bills annexed to the petitions including the other materials clearly indicates that the society has not recovered any amount other than the statutory amount such as water charges and municipal taxes by the Municipal Corporation and some amount towards parking charges.

5. In so far as the parking charges are concerned, it is not in dispute that out of 217 members of the society, except these petitioners who have filed these petitions, all other members of the society are paying parking charges including other charges levied except those who are in financial difficulty and are thus in arrears.

6. The findings rendered by both the authorities below being not perverse cannot be interfered with by this Court under Article 227 of the Constitution of India. The petitions are devoid of merit and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.