

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10255 OF 2017**

Vasanti B. Pratape & Ors

..Petitioners

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. Vijay Gharat for the Petitioners

Mrs. Rupali Shinde AGP for the Respondent State

Mr. R. Y. Sirsikar for the Respondent Nos.5, 6, and 7 - MCGM

CORAM :R. M. SAVANT, &

K. K. SONAWANE, JJ

DATE : 11th SEPTEMBER, 2018

P.C.

1 The above Writ Petition has been filed seeking a direction against the Social Welfare Department to confirm the Petitioners as members of one Vimochit Samaj Co-operative Housing Society. It seems that the said society has been allotted land by the State Government on certain terms and conditions. The relevant documents in respect of the allotment and the terms and conditions have been annexed to the above Petition. It seems that an Administrator came to be appointed on the society on the ground that the affairs of the society were not managed in terms of the Maharashtra Co-operative Societies Act and the Rules.

2 We are informed by the Learned AGP that the Managing Committee of the society challenged the appointment of the Administrator

before the Higher Authority in which proceeding the appointment of the Administrator came to be stayed as a result of which the Managing Committee is continuing in the society. If the Petitioners are seeking membership of the said society then it is for the Petitioners to approach the society for the same and it is for the society thereafter to place the applications before the Social Welfare Department, if such a course of action is required to be followed by the society. In our view seeking a direction directly against the Social Welfare Department without the Petitioners applying to the society would not be permissible. Hence in the absence of any application made to the society by the Petitioners, it is not possible for us to consider the reliefs which have been sought by way of the above Petition. It would be open for the Petitioners to make an application to the society for membership if they have not already applied, and if they have already applied, then it is for the society to consider the said applications and process them in accordance with law.

3 With the observations as aforesaid, the Writ Petition is disposed of.

[K. K. SONAWANE, J]

[R.M.SAVANT, J]

Meera
Mahesh
Jadhav
Digitally
signed by
Meera
Mahesh
Jadhav
Date:
2018.09.12
16:58:43
+0530