

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLN. NO. 324/2018 & CIVIL APPLN. NO.
12/2019**

**IN
WRIT PETITION NO. 767 OF 2017**

GANPAT SANGODKAR	...	APPLICANT
Versus		
THE ASST. REGISTRAR OF CO-OP. SOCIETIES & ANR.	...	RESPONDENTS

Mr. Premanand Anand Kholkar, Advocate for the Applicant.

Mr. Gaurish N. Agni, Advocate for Respondent No. 2.

Mr. Abhay Nachinolkar, Advocate for Respondent Nos. 11 and 18 in
Writ Petition No. 767/2017.

CORAM:- C.V. BHADANG, J.

DATE:- 21st OCTOBER, 2019.

P.C.

Miscellaneous Civil Application No. 324/2018 is for amendment/addition of the prayer clause of the Writ Petition, restraining the respondent nos. 3 to 36 from proceeding with the construction on the plots allotted to them, which according to the petitioner is in violation of the order of the Registrar's Nominee dated 24.03.2004 and restraining them for transferring or alienating or creating third party interest and restraining the respondent no. 2 from transferring or alienating or dealing in any manner with plot no. 23, which is reserved for the construction of the office of the Co-operative Society.

2. Civil Application No. 12/2019 is again for similar reliefs of restraining the respondent nos. 3 to 36 from proceeding with the construction activities on the plots allotted to them, which according to the petitioner is in violation of the order of the Registrar's Nominee dated 24.03.2004.

3. *Prima facie*, it appears that the allotment is complete and some of the respondents have obtained construction licences. These respondents were not parties before the Registrar's Nominee. It is thus not possible to direct impleadment/addition of parties or reliefs against these respondents, who were not parties before the Registrar's Nominee and/or an order of restraint against them from putting any construction on the plots allotted to them.

4. Mr. Kholkar, the learned Counsel for the petitioner has placed reliance on the decision of this Court in the case of **Mahesh D. Jobanputra & Others Vs. Municipal Corporation of Greater Mumbai & Others 2019(3) ALL MR 756**, in order to submit that the presence of the respondents is necessary. I am afraid, the case of **Mahesh D. Jobanputra** (supra) turned on its own facts. Here, in the present case, the proposed respondents were neither parties to the original arbitration proceedings nor to the execution proceedings. The remedy, if any, of the petitioner, lies elsewhere as

per the Goa Co-operative Societies Act, 2001 and the Rules framed thereunder.

The Civil Applications are accordingly disposed off. However, hearing of Writ Petition No. 767/2017 is expedited. The petitioner would however be at liberty to file an application for amendment, seeking to add grounds in support of the challenge to the impugned order, without seeking any impleadment.

C.V. BHADANG, J.

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