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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 4858 OF 2019

Bhagya Nagar Co-Op.

Housing Society Ltd.

... Petitioner

Vs.

State of Maharashtra & Anr.

... Respondents

Mr. Siddhesh Pilankar i/b Uday Warunjikar, for the Petitioner.

Mrs. S. S. Bhende, AGP for Respondent No. 1.

Mr. Girish S. Godbole, Shruti Tulpule, Rutuja Patil, for Respondent No. 2.

**CORAM : INDRAJIT MAHANTY, &
A. M. BADAR, JJ.**

DATE : APRIL 25, 2019

PC :

1. Heard the learned counsel appearing for the respective parties. This petition came to be filed by the Petitioner seeking to challenge the communication / order dated 28th December, 2018 issued by the Dy. Registrar of the Co-operative Housing Societies, G North Ward, acting on complaint lodged by Respondent No. 2, dated 18th December, 2018.

2. It appears from the averments of the writ petition that

the General Body of the Society held a meeting on 30th September, 2018 and took a decision that members of the Society, occupying the flats which were for residential purpose, should not be allowed to use the same for other than the residential purpose. The Respondent No. 2, appears to have, lodged complaint with the Dy. Registrar dated 18.12.2018, who issued written directions under letter dated 28th December, 2018. Hence, present petition is filed challenging the said directions.

3. Today, at the time of hearing, learned AGP tendered a copy of communication dated 4th January, 2019 and brought to our notice the fact that Dy. Registrar vide said communication informed that he had already disposed of the complaint made by Respondent No. 2 by holding that he has no jurisdiction in the matter, advising Respondent No. 2, if so advised, to move the Co-Operative Court for appropriate relief, if any. Said copy of communication is taken on record and marked "X" for identification.

4. The learned counsel for the Petitioner submits that when this petition was filed on 5th April, 2019, the Petitioner itself

was unaware of the original complaint lodged by Respondent No. 2, dated 18.12.2018, which had already been disposed of. It is needless to say that once complaint stood disposed of and the directions are issued by the Dy. Registrar, the Petitioner Society has no leg to stand. Consequently, the writ petition is disposed of as rendered infructuous. Respondent No. 2 is at liberty to seek appropriate statutory remedy, if so advised. Nothing in this order shall prejudice to the legal rights of the parties. Interim order, if any, operating in the petition, shall stand vacated.

Sd/-
[A. M. BADAR, J.]

Sd/-
[INDRAJIT MAHANTY, J.]

Vinayak Halemath