

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7108 OF 2015

Prathamesh Co-operative Housing Soc.
Ltd. .. Petitioner

vs.

The Commissioner / Registrar,
Co-operative Societies, Pune and Ors. .. Respondents

Mr.Kayval P. Shah for the petitioner

Mr.S.H.Kankal, A.G.P. for the respondent no.1

Ms.Kanchan C. Phatak i/b Mr.N.P.Deshpande for the
respondent no.4

Mr.Atul Damle, Sr.Advocate with Mr.Rupesh Lanjekar i/b
Mr.Jayesh M. Joshi for the respondent no.13

**CORAM: K.K.TATED &
SARANG V. KOTWAL, JJ.
DATED : JANUARY 30, 2020**

P.C.

1 Heard.

2 By this Writ Petition, under Article 226 of the
Constitution of India, petitioner is seeking direction to reject
the proposal submitted by Respondent no.13 Richa Realtors
for re-development of Respondent-Housing Societies
situated at Serial No.30+31/2B/1, Hingne, Karvenagar,
Minatai Thakare Nagar, Pune.

3 The learned Senior counsel for the Respondent no.13 submits that petition as it is filed by the Petitioner, is not maintainable in law. He submits that by this Writ Petition, Petitioner is not seeking any relief in their favour. He submits that by this Writ Petition, Petitioners are seeking order against Respondent no.13 not to redevelop the property of Respondent Society. He submits that no one has appeared on behalf of Society and not only that, till today, there is no affidavit in reply filed by the Respondent Society in support of the Petitioner. Apart from that, the learned Senior Counsel for the Respondent no.13 submits that the proposal submitted by them by their letter dated 25.06.2014 was not in respect of the Petitioner Society. He submits that even order passed by the Chief Officer, Pune Housing and Area Development Board, Pune in PB/CO/AO/2469/2015 was in respect of the Respondent Society property only. Therefore, there is no question of entertaining the present Writ Petition.

4 Considering the submissions made by the learned Senior Counsel for the respondent no.13 and proposal dated 25.06.2014 (Exhibit-B) and enquiry report / order dated 05.05.2015 of Chief Officer Pune Housing and Area Development Board, we do not find any reason to entertain the present Writ Petition as there is no cause of action for Petitioner to file petition.

5 Hence, Writ Petition stands rejected.

6 No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)