

DSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9019 OF 2021**

**DINESH
SADANAND
SHERLA**

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Date: 2021.12.18
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Maya N. Rane and anr.

...Petitioners

V/s.

The Sai Raj Co-op. Housing
Society Ltd. through Chairman and ors.

...Respondents

Mr. Kishor S. Patil i/b Mr. P. B. Rahade for the Petitioner.

Mr. A.P. Vanarase, AGP for the Respondent.

CORAM : G. S. KULKARNI, J.

DATE : DECEMBER 15, 2021.

PC :

1] Not on board. Taken on board on an application moved on behalf of the petitioner.

2] Heard learned counsel for the petitioners and learned AGP for respondent Nos.2 and 3/ State.

3] The challenge in this petition is to an order dated 2.12.2021 passed by Dy. Registrar, Cooperative Societies, MHADA. By such order, a prior order dated 21.10.2021 as passed on the application of the petitioners has been reconsidered to pass such order observing that respondent No.1 society would now take steps for appointment of developer in regard to redevelopment of its premises. A General Body Meeting is called for such purpose which is ordered to be held in the presence of authorised officer and report to the Dy. Registrar the proceedings of such meeting. The order also permits video recording of such meeting to be submitted to Dy. Registrar.

4] The petitioners had approached the Dy. Registrar by making a complaint dated 25.6.2021 by invoking provisions of Government

Resolution dated 4.7.2019 to contend that respondent No.1 society is not following the appropriate procedure which is a mandatory requirement namely to comply the formalities prior to a decision of redevelopment is taken. Such application came to be considered by the first order dated 21.10.2021. The Dy. Registrar has recorded a finding in regard to the self redevelopment being proposed to be undertaken by respondent No.1 society also that an appropriate procedure be followed if the society considers to undertake development by appointing developer, then in that regard a fresh proposal be submitted. It appears that the grievance of the petitioners according to them still survived as per their subsequent letters dated 26.11.2021 and 29.11.2021 addressed to the Dy. Registrar, which came to be considered and disposed of by the impugned order.

5] In my opinion, the petition itself is premature inasmuch as now the General Body Meeting would be held as observed by the Dy. Registrar in the impugned order dated 2.12.2021. If the petitioners are of the opinion that appropriate procedure is not being followed, certainly the petitioners would have an opportunity to raise such issue in the meeting which is proposed to be held. In my opinion, *prima facie* it appears that the petitioners although are contending that they are not agreeing with the re-development, they are opposed to it. The majority opinion needs to prevail is the well settled principle of law. In that event if the petitioners have any quarrel with the society it is a purely civil dispute between members and the society and for which an alternate remedy is available.

6] Keeping all contentions of the petitioners open, the petition would not warrant any further adjudication. It is accordingly, disposed of. No costs.

(G. S. KULKARNI, J.)