

(S.S.Kilaje)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3746 OF 2015
WITH
CIVIL APPLICATION (ST) NO. 23545 OF 2019
IN
WRIT PETITION NO. 3746 OF 2015

Nava Kandivali Co-Operative Housing Society
Ltd.

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

-
- Mr. Prashant Naik i/by Mr. Sandeep R. Waghmare for Petitioner
 - Mr. S.D.Rayrikar, AGP for Respondent Nos. 1,2 and 5
 - Mr. Vijay D. Patil for Respondent No.3
-

CORAM : MILIND N. JADHAV, J.

DATE : JULY 29, 2022

P.C.:

1. Heard learned counsel for the respective parties.
2. Learned counsel jointly inform the Court that the issue in the present Writ Petition is squarely covered by the decisions of this Court in the following cases and the petitioner society is required to file a civil suit for the desired relief:-

1. Mahanagar Housing Partnership Firm and Ors. Vs. District Deputy Registrar of Co-operative Socialites (Pune City), Pune and others¹;

2. Gera Developments Pvt. Ltd. & Ors. Vs. Ger's Greenville Trinity Towers Co-op. Hsg. Society Ltd. & Ors.²;

3. M/s. Shree Chintamani Builders Vs. State of Maharashtra & Ors.³;

4. M/s. Omprakas Tolaram Vs. State of Maharashtra & Ors.⁴

1 2018 SCC OnLine Bom 19563

2 2021(5) ALL MR 169

3 2016 SCC OnLine Bom 9343

4 2016 SCC OnLine Bom 11079

3. Mr. Naik submitted that the society shall file a substantive suit in the appropriate civil court for redressal of its grievances as available in law.

4. Keeping all contentions of the parties, including issue of limitation in the present *lis*, open in the substantive suit that shall be filed by the petitioner society, Writ Petition stands dismissed with the above directions.

[MILIND N. JADHAV, J.]

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KILAJE

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