

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8303 OF 2023

Ravidas Namdev Baviskar

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

...

Mr. Abhijeet Joshi i/by. Varsha S. Sawant, Advocate for Petitioner.

Mr. B.V. Samant, AGP for State.

Mr. Arun Mehata i/by. Akshar Law, Advocate for Respondent no.4.

...

**CORAM : DHIRAJ SINGH THAKUR AND
SANDEEP V. MARNE, JJ.**

DATED : 11 JULY 2023.

P.C. :

1. By this petition, Petitioners challenge communication dated June 1, 2023 issued by the Assistant Registrar of Co-operative Societies, Bhiwandi, District-Thane, by virtue of which the Assistant Registrar has recorded that a General Body meeting of the Society for taking a decision about the re-development of the building was conducted under the supervision of an official appointed by the Assistant Registrar on May 30, 2023 and that out of a total of 28 members of the Society, 15 members gave consent physically and 3 members gave consent on video-call for redevelopment of the building. In that Special General Body meeting, a developer

namely, Gurukrupa Builders and Developers was appointed. The Assistant Registrar has communicated 'No Objection' for redevelopment of the property.

2. Petitioners are aggrieved by the communication dated June 1, 2023 on the ground that appointment of a developer is in violation of the provisions of the G.R. dated July 4, 2019. It is the contention of the Petitioners that the G.R. envisages appointment of an Architect and Project Manager Consultant for ascertaining the available FSI and TDR for redevelopment of the property and building. That unless such an ascertainment is made through Architect and Project Manager Consultant, the Society cannot appoint a Developer for redevelopment of the building.

3. We have gone through the impugned communication dated June 1, 2023 in which the Assistant Registrar himself has directed that while carrying out the development, the directions in the G.R. shall be strictly followed.

4. Mr. Samant, the learned AGP appearing for the State Government would submit that if there is any violation of the directives issued in the G.R. dated July 4, 2019, the Assistant Registrar can look into the same. If indeed such a remedy is available, this petition can conveniently be disposed of by granting liberty to Petitioners to approach the Assistant Registrar of Co-operative Societies with their grievances with regard to violation of the G.R. dated July 4, 2019.

5. We are informed that the developer, on the strength of Special General Body resolution resolving to appoint it has issued notices calling upon the members to vacate the flats on the ground that the building is in a dilapidated condition. It is for the Planning Authority to take appropriate action if indeed the building is in a dilapidated condition. We do not express any opinion in this regard.

6. Writ Petition is accordingly disposed of. Petitioners are at liberty to file appropriate proceedings before the Assistant Registrar of Cooperative Societies with regard to their grievance about violation of provisions of GR dated July 4, 2019. If such proceedings are filed, Assistant Registrar of Cooperative Societies shall decide the same in an expeditious manner, strictly in accordance with law and on merits, without being influenced by any of the observations made in this order. There shall be no orders as to costs.

(SANDEEP V. MARNE, J.) (DHIRAJ SINGH THAKUR, J.)

NEETA
SHAILESH
SAWANT

Note : Correction is carried out only in the date of the order pursuant to speaking to minutes order dated 18 July, 2023.

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.07.24
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