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

WRIT PETITION NO. 8989 OF 2023

Signature Heights Co-op. Housing
Society Ltd.

... Petitioner

V/s.

Dipak Ramchandra Surve and Ors.

... Respondents

Ms. Priyanka A. Nawale i/b. Shine & Co. for the Petitioner

Mr. D.M. Salvi with Mr. Sahil Salvi, N. Kalpath and Sagar Redkar
for Respondents 1 and 2

Mr. N.K. Rajpurohit, AGP for Respondent Nos. 5 and 6

Mr. Siddharth Shitole i/b. Ashutosh Kulkarni for Respondent No.3 -
CIDCO

Mr. Tejesh Dande for Respondent No.4 - NMMC

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 04 OCTOBER 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is a Co-operative Society making a grievance that Respondent Nos. 1 and 2 who are their members have carried out unauthorized structural changes and a writ is sought for directions to Respondent Nos. 1 and 2 to remove all unauthorized alterations.

3. Respondent Nos.1 and 2 are individuals. They are members of the Petitioner – Society. If there is a dispute between the Petitioner – Society and these two members, the Petitioner would have remedy under the Maharashtra Co-operative Societies Act, 1960 to take such action against its members and also raise a dispute in the Co-operative Court. As regard the violation of statutory permissions and planning laws are concerned, the Petitioner – Society can take up this issue with the concerned planning authority for necessary directions.

4. In the light of this position, we dispose of the Writ Petition keeping it open to the Petitioner to take such action/proceedings under the Act of 1960. If they are so undertaken, they are so decided on its own merits. Liberty to approach the concerned statutory authority if there are complaints and grievances. If such complaints and grievances are made, the concerned statutory authority will look into the same and proceed as per law after following the due procedure.

5. With these directions and liberty, we dispose of the Petition. We make it clear that this is not to be construed as reflection on the contentions of the parties on merits.

6. Writ Petition is accordingly disposed of.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.