

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2038 OF 2018

Chintaman D Akerkar & Anr ...Petitioners
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

Mr Bhavesh Parmar, *with Rahul Gaikwad, Vivekanand Akshali, Reshma Nair & A Jhavar, i/b Gravitas Legal, for the Petitioner.*
Mr SB Gore, AGP, *for the Respondent-State.*
Ms Rupali Adhate, *for the Respondent-MCGM.*
Mr Anil Sakhare, Senior Advocate, *with Sanjeev Singh & Siddharth Mishra, for Respondents Nos. 5 to 8.*
Mr Makrand Raut, *for Respondent No. 4.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 17th October 2023

PC:-

1. The Municipal Corporation of Greater Mumbai (“MCGM”) is in no way concerned with the validity or otherwise of General Body Resolutions of the 5th Respondent’s Society. If there are any disputes between the Petitioners and the Society in regard to General Body Meetings or resolutions passed at such meetings, that is a matter that lies before the competent authority or the competent Court under the Maharashtra Cooperative Societies Act 1960. The MCGM has no jurisdiction to enter into any investigation about the

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correctness or otherwise of society resolutions. Equally, the authorities under the Maharashtra Cooperative Societies Act 1960 cannot interfere with the exercise of powers by the MCGM inter alia under the Mumbai Municipal Corporation Act 1888.

2. It is entirely for the Petitioners to obtain appropriate orders in regard to whatever grievances they may have against the society Respondent No. 5 or the individuals arrayed as Respondent Nos. 6, 7 and 8 including in relation to any alleged irregularities in the construction of the society building.

3. The reliefs sought in the Petition are in relation to entirely private disputes between the Petitioners and Respondent Nos. 6, 7 and 8. Writ proceedings cannot be used for the ventilation of these grievances.

4. If there are any irregularities in the construction, it is for the MCGM to decide on an application already made or to be made hereafter on merits and in accordance with law whether that construction can be retained or regularised.

5. No further directions are required in this matter.

6. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)