

Shabnoor

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

WRIT PETITION NO.14309 OF 2016

M/s. Anish Enterprises

... Petitioner

V/s.

Beena Ashok Nair & Ors

... Respondents

Mr. Sukhesh Shah i/by Shah Legal, for the Petitioner.

Mr. Prakash Shah i/by Mr. Kumar Tolani, for
Respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 20, 2024

P.C.:

1. The petitioner/developer challenging the order of registration of housing society by its purchasers. The parameters of registration of cooperative housing societies are enumerated under the provisions of the Maharashtra Cooperative Societies Act, 1960. Whether the societies registration is in accordance with law or not can be challenged by a person aggrieved. The person aggrieved needs to be such person whose rights are prejudicially affected by the impugned order. The petitioner being developer is under obligation to form society. The petitioner, therefore, has no locus to challenge the registration of housing society.

2. The circular relied upon by the petitioner, which is

inconsistent with the provisions of the Act and, therefore, cannot be considered. Only Government Resolution issued under Section 3 of the Maharashtra Cooperative Societies Act, 1960, issued in the name of Governor has force of law under Article 166 of the Constitution of India. Therefore, in absence of requisite locus, the writ petition at the instance of developer cannot be entertained. Hence, the writ petition is dismissed. No costs.

(AMIT BORKAR, J.)