

VRJ

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

WRIT PETITION NO.4197 OF 2024

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Rajashree Villa Coop. Housing
Society Ltd., Through Chairman
Vikram Singh

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Rahul S. Dadam for the petitioner.

Mr. S. D. Rayrikar, AGP for the State/respondent Nos.1
to 3.

Mr. Ritvik Joshi for respondent Nos.4 and 5.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2024

P.C.:

1. The petitioner-housing society is challenging an order passed by the Divisional Joint Registrar rejecting the petitioner's revision arising out of an order passed under section 23(2) of the Maharashtra Cooperative Societies Act, 1960.

2. Respondent Nos.4 and 5 applied before the petitioner-housing society for conferment of membership based on sale deed dated 20 August 2018. They filed an application for grant of membership on 20 August 2020. According to the society, necessary documents for conferment of membership were not

complied with. However, according to respondent Nos.4 and 5, the necessary documents were furnished. On refusal by the petitioner to confer membership, respondent Nos.4 and 5 filed an appeal before the Deputy Registrar, Cooperative Societies who by order dated 16 February 2022 directed the petitioner to issue a share certificate on the finding that respondent Nos.4 and 5 have become deemed members of the society.

3. The petitioner being aggrieved by the said order filed revision before the Divisional Joint Registrar who by the impugned order has dismissed the revision.

4. On perusal of the impugned orders, it appears that respondent Nos.4 and 5 purchased flat No.C2/13 by registered deed dated 7 November 2019. The society, on 18 June 2019, granted no-objection. The documents directed to be furnished by the society are in the nature of use of TDR, unauthorised construction and similar issues. These issues are not relevant for decision on the point of conferment of membership of the cooperative society. Since eligibility of respondent Nos.4 and 5 to become member of cooperative society is not in dispute and transfer of title from existing member in favour of respondent Nos.4 and 5 is also not in dispute, the authorities below have rightly directed the petitioner to confer share certificate based on the finding of deemed membership. There is no legal infirmity in the impugned orders.

5. The writ petition stands dismissed. No costs.

6. It is made clear that all other issues in relation to pending proceeding shall be decided as per their own merits.

(AMIT BORKAR, J.)