



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1748 OF 2025

Latabai W/o Suresh Hiwarkar
Age : 54, Occu : Housewife,
R/o : House No. 10-2-1250/2
Near Om Garden,
Dist. Nanded, Maharashtra

.. Petitioner

Versus

The State of Maharashtra
Through its Secretary,
Department of Cooperation,
Marketing & Textiles,
14th Floor, New Administrative Building,
Mantralaya, Mumbai – 400 032
and others

.. Respondents

...

Advocate for the petitioner : Mr. Rupesh B. Hake
Addl. GP for the respondent – State : Mr. M.M. Nerlikar

...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 6 FEBRUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner and perused
the papers.

2. The petitioner is coming with following prayers :

“(B) Issue a writ of mandamus or directions in the like nature, the respondents may kindly be directed to ensure that the petitioner be granted membership of Kamgar Shakti Ghrihanirman Sahakari Sanstha at earliest point of time.

(C) Issue a writ of mandamus or directions in the like nature, the respondents may kindly be directed to

implement their orders, correspondence in respect of petitioner's plot.

(D) *Issue a writ of mandamus or directions in the like nature, the respondents may kindly be directed to update and publish the list of members of society after inclusion of name of petitioner.*

(E) *Issue a writ of mandamus or directions in the like nature, the respondents may kindly be directed to avail the voting right of petitioner.*

(F) *Grant an ad-interim relief in terms of prayer clause-C"*

3. As can be gathered from the prayers, the petitioner ,who is an individual aspiring to become a member of respondents no. 4 and 5 – co-operative housing society, is soliciting a writ of *mandamus*.

4. In spite of our precise query, as to how a writ of *mandamus* would lie against a co-operative housing society at the instance of an individual seeking membership, the learned advocate was unable to convince us as to how the co-operative housing society can be regarded as a state or its instrumentality under Article 12 of the Constitution of India.

5. Keeping open the avenue for the petitioner, to resort to appropriate remedy, as is available to him in law, the writ petition is dismissed.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/