

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

WRIT PETITION NO.4709 OF 2022

Rashid Munir Shaikh

....Petitioner

V/S

The Chairman/Secretary

Shri Samartha (Soregaon) Shakari

Gruh Nirman Sanstha Maryadit & Ors.

....Respondents

Mr. Zia Rahman i/b M/s. Manoj Harit & Co. *for the Petitioner.*
Ms. A.A. Nadkarni, AGP *for Respondent Nos.2 and 3 / State.*

CORAM: SANDEEP V. MARNE, J.
DATE : 19 MARCH 2025.

P.C.:

1. The Petition challenges order dated 30 September 2019 passed by the Divisional Joint Registrar, Co-operative Societies, Pune, rejecting Appeal No.74 of 2018 and confirming the order dated 20 October 2018 passed by the Deputy Registrar. The Deputy Registrar, by order dated 20 October 2018, has granted approval to the resolution adopted by Special General Body Meeting of the Society held on 26 February 2017 for expulsion of Petitioner as member of the Society. It appears that the Society is a Co-operative Housing Society. A person who does not own a plot cannot remain as a member of the Respondent-Society.

Petitioner had initially paid amount of Rs.50,000/- for allotment of plot on 21 July 2007. For next five years, he had failed to pay the balance amount to the Society for allotment of the plot. The Society accordingly gave an ultimatum to the Petitioner by notice dated 20 December 2013 that he must pay the balance amount by 31 December 2013 or bear the rate of Rs.325/- per square feet. The Petitioner has admittedly not challenged the resolution of the Society adopted in the meeting dated 31 December 2013. Petitioner was clearly informed that if he failed to deposit the demanded amount, it would be presumed that he was not interested in allotment of the plot and that his membership would be cancelled.

2. It is an admitted position that neither upto 31 December 2013 nor after 31 December 2013 the Petitioner made the balance payment. A special dispensation was made in respect of Members not paying the balance amount upto 31 December 2013 by making them liable to pay the higher rate of Rs.325/- per square feet. This resolution of the Society has remained unchallenged. Till the expulsion proceedings were initiated in the year 2017, Petitioner admittedly did not pay the amount at the rate of Rs.325/- per square feet as per the resolution adopted by the Society. Thus for 10 long years, Petitioner has failed to acquire allotment/ownership of any plot in the Society's land. He therefore had lost right to remain member of the Society as non-allottee of any plot cannot be continued as member. The net

result of this action on the part of the Petitioner is that he did not become owner/allotte in respect of any plot. Therefore he had no right to remain as Member of a Co-operative Housing Society. The Deputy Registrar has rightly granted approval to the expulsion of the Petitioner. The Divisional Joint Registrar has not erred in rejecting the appeal preferred by the Petitioner. I do not find any palpable error in the view taken by the Deputy Registrar and the Divisional Joint Registrar. The Petition is devoid of merits and is accordingly **rejected**. No order as to costs.

(SANDEEP V. MARNE, J.)

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