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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7374 OF 2024

Sreenivasarao Koraganti
s/o. Seetharamiah Koraganit
Vs.

.. Petitioner

Pune Municipal Corporation & Ors.

.. Respondents

Mr. V. K. Nair, for Petitioner.

Mr. Rhishikesh Pethe, for Respondent No.1.

Mr. Harishchandra D. Chavan a/w Adv. Shivjeet Golekar, for Respondent
No.2.

Smt. Tanu N. Bhatia, AGP, for Respondent No.3-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 14th FEBRUARY, 2025.

P. C.:-

1) The Petitioner is member of Impact Imperial Cooperative Housing Society Ltd.. The said society is duly registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 and Rules framed thereunder.

2) By the present Petition, the Petitioner is claiming infringement of his rights allegedly guaranteed under Articles 14, 19(1)(a), 19(1)(g) and 21 of the Constitution of India thereby invoking the jurisdiction of this Court under Article 226, with a prayer for issuance of Writ of Mandamus, for setting aside revised layout plan of building/proposed building for

construction of new Wing 'C' in the statutory space of "Amenity Space" admeasuring about 388.56 sq. mtrs. situated at Survey No.286/ID (Part), Sathe Wasti, Uttreshwar Road, Lohgaon, Tal. Haveli, District Pune.

3) It be noted here that, the cooperative housing society of which the Petitioner is a member is not aggrieved by sanction of the said plan and/or other acts of Respondent No.1. We are unable to accept the contention of the learned Advocate for the Petitioner that, due to the sanction of revised plan by Respondent No.1, his rights under Article 14, 19(1)(a), 19(1)(g) and 21 of the Constitution of India are violated and/or breached by anybody.

4) Record prima facie indicates that, Respondent No.1-Corporation after following due procedure of law, has granted sanction for construction of the said portion of building.

5) There is another facet to the present Petition. The Petitioner has impugned the said revised plan in its individual capacity, though being a member of the said society.

5.1) The Hon'ble Supreme Court in case of *Daman Singh vs. State of Punjab*, reported in 1985 (2) SCC 679, in paragraph No.11 has held that :-

"... Once a person becomes a member of a co-operative society he loses his individuality qua the society and he has no independent rights except those given to him by

the statute and the bye-laws. That, he must act and speak through the society or rather, the society alone can act and speak for qua rights or duties of the society as a body.”

5.2) After applying the said principle enunciated by the Hon’ble Supreme Court in case of *Daman Singh* (supra) to the case in hand, we are of the considered view that present Petition is not maintainable and is accordingly dismissed in *limine*.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)