

Ajay

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

WRIT PETITION NO. 11251 OF 2024

M/s. H. V. Infrastructure Pvt. Ltd. and Anr. .. Petitioners

Versus

State of Maharashtra,
Through the Cooperation Department and Anr. .. Respondents

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- Mr. Bharat Nagar a/w. C.J. Doveson and Rikin Yadav, Advocates for Petitioners.
 - Mr. Hamid Mulla, AGP for Respondent No.1 – State.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 08, 2025.

P.C.:

1. Heard Mr. Nagar, learned Advocate for Petitioners and Mr. Mulla, learned AGP for Respondent No.1 – State.

2. Issue notice to Respondent No.2. Humdast permitted.

3. Mr. Mulla, learned AGP waives service on behalf of Respondent No.1 – State.

4. In addition to Court notice, Petitioners are permitted to serve copy of Writ Petition and this order on Respondent No.2 – Chairman / Secretary of Swapna Safalya Co-operative Housing Society Ltd., Plot No.128-130, 25th Road, Bandra (West), Mumbai – 400 050 and inform the Society about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

5. After receiving notice, Respondent No.2 is directed to take cognizance of this order and file its Affidavit-in-Reply on or before the next date, if so desired.

6. Respondent No.2 is directed to remain present in Court on the next adjourned date through its representative or through Advocate and answer the present Writ Petition and apprise the Court about the objections that the Society may have for accepting membership of the Petitioners before me.

7. *Prima facie* Society has given a letter dated 30.12.2017 which is reflected in the impugned order passed by the Appellate Authority. Copy of this order is placed before me by the Advocate for Petitioners. Reference in the letter pertains to pending proceeding before the MDRT namely original Application No.2 of 2002 and RP No.1 of 2003. Advocate for Petitioners inform the Court that the said proceedings have culminated by order dated 24.06.2019 which is appended at page No.229 of the Petition. The Society will take cognizance of that order. That apart, there seems no other reason for the Society Management to not give membership to the Petitioners. Society has stated in the said letter that Petitioner should wait or bring an order from the concerned Registrar of the Co-operative Societies. Today the Writ Petition is before me primarily for the same reason.

8. Be that as it may, Society is therefore directed to appear before the Court on the next adjourned date and cite all its objections so that the Petition can be heard and decided in accordance with law.

9. List the Writ Petition on Board on **15th July 2025**. To be placed under the caption '**First on Board**'.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK
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