

rajshree

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

WRIT PETITION NO.13535 OF 2024
ALONGWITH
INTERIM APPLICATION (ST) NO.2725 OF 2025
IN
WRIT PETITION NO.13535 OF 2024

Vijayay Adyanthaya	]	..	Petitioner
vs.			
Balasaheb S. Muluk & Ors.	]	..	Respondents

Ms.Rishiha Agarwal i/b Niranjani Shethy for the Petitioner.

Mr.Pralhad Paranjape i/b Mr.Manish Kelkar for Respondent Nos.1 and 3.

Ms.Neha Bhide, GP a/w Ms.G.R. Raghuwanshi, AGP for Respondent Nos.2 and 5.

Mr.Vijay Patil, Senior Advocate i/b Mr.Yogesh Patil, for Respondent No.4.

Mr.Vishwajeet Sawant i/b Mr.Kalpesh Patil for the Intervenor in IA(ST) No.2725/2025.

**CORAM : ALOK ARADHE, CJ. &
BHARATI DANGRE, J.**

DATE : 06th FEBRUARY, 2025.

P.C.

1. In this Petition, the Petitioner *interalia* has prayed for the following reliefs :-

"a. That this Hon'ble Court be pleased to issue a Writ of Mandamus or a writ, order, or directions in the nature of Mandamus or any other appropriate writ, order or direction. directing Respondent No.1, by stepping into shoes of the Chairman invite all the Premises owner of the Society to participate in the meeting to be held on 30/9/2024 or any meeting held in future under the stewardship of Respondent No.1;

b. That Respondent no.1 may be ordered to form a provisional committee by electing three members from the 25 share certificate holders of the society, who are premises owners, in General body meeting to be held on 30/9/2024 under the supervision of Respondent No.1;

c. That the 25 premises owners who hold share certificate may be allowed to participate in the General body meeting as 'the members of the society, and engage in proceedings of the meeting;

d. that the Petitioner may be allowed to participate in General body meeting to be held on 30/9/2024 under the supervision of Respondent No.1

e. Respondent No.1 may be directed to conduct the General Body meeting allowing 'the Premises Owners' to participate in the meeting to be held on 30/9/2024 or meeting held at any time in future, under his stewardship and allow them to vote and elect a managing Committee for the Society;

f. that Respondent no.1 may be directed to assist and guide the Premises owners to manage their own affairs by forming working committee for the time being by electing members from the 25 share certificate holders of the Society, allowing them to be signatory in the Bank account of the society;

g. that the Respondent No.1 may be directed to prepare I and J register of the Society, recording names of premises owners listed in Exhibit-B and details of respective flat /unit/ bungalow owned by them;

h. ad interim order may be passed to the effect, that Respondent No.1, may be desisted and restrained from passing any resolution or moving any agenda in the General Body meeting to be held on 15/9/2024 or any General Body meeting held in future to change the classification of 'the Society', without quorum of the share certificate holders of the society, and also without participation of the rest of the Premises owners, the hon'ble Court may declare that the classification of the Society shall remain Tenant Ownership flat owners co operative Housing Society as stated in the bye law of the Society;

i. that this Hon'ble Court be pleased to issue a Writ of Mandamus or a writ, or order, or direction in the nature of mandamus to orders as the ad interim relief may be granted by desisting Respondent No.1 from holding the General Body meeting to be held on 30/9/2024 and staying the same, which is to be held as stated a notice dated 15/9/2024, till such time, Respondent No.a presents the agenda of the General Body meeting appropriate to the essence of the words in order passed by Respondent no.1

at Exhibit-O, and till such time, specifically gives details of names and identity of the participants permitted to attend the meeting to be held on 30/9/2024 and also the said list shall includes the Premises owners who hold share certificate of the Society, and shall be allowed to actively participate in the meeting;

a. for cost of the above Petition.

b. For such and further order as this hon'ble forum may deem fit"

2. The learned counsel for the Petitioner submits that the General Body Meeting of the Society has not been held on 30/09/2024.

3. In view of the aforesaid submission, the cause in the Petition does not survive for consideration.

4. In view of the above, the Writ Petition is disposed of with the liberty to the Petitioner to take recourse to such remedy as may be available in law to her, in case any cause of action arises in future.

5. In view of disposal of Writ Petition, Interim Application also stands disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)