

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 17266 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 13634 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 13628 OF 2025**

Vinayak Vasant Govitrikar & Ors. ... Petitioners

V/s.

The State Of Maharashtra & Ors. ... Respondents

Mr. A.M. Saraogi for Petitioners.

Ms. Dhruvi M. Kapadia, A.G.P. for Respondent Nos. 1 & 5 -State.

Mr. Subhashchandra Pawar (Through V.C.) a/w Mr. Suryajeet Ravrane for Respondent No.2- TMC.

Mr. Girish Godbole, Senior Advocate i/b Mr. Yash Dewal for Respondent No.3.

Mr. Rajesh Datar for Respondent No.4.

Mr. Vijesh D. Narwani, Mr. Nilesh Bhojwani, Mr. Bharat Thakur, Mr. Manohar Dhamai and Ms. Manisha Gawali – present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 16th April 2025.

P.C. :

1) Present Petition is not maintainable by the members of Respondent No.3-Society in their individual capacity. Reliance is placed to the decision of the Constitution Bench of the Hon'ble Supreme Court in case of *Daman Singh & Ors. Vs. State of Punjab & Ors., reported in (1985) 2 SCC 670*. In para No.11 thereof, it has held as under :-

11. We have no hesitation in rejecting this submission also. Once a person becomes a member of a cooperative society, he loses his individuality qua the society and he has no independent rights except those given to him by the statute and the by-laws. He must act and speak through the society or rather, the society alone can act and speak for him qua rights or duties of the society as a body.

2) In view thereof, Mr. Saraogi, learned Advocate for Petitioners on instructions from Mr. Vijesh D. Narwani, who is personally present in the Court, seeks leave to withdraw Petition with liberty to file appropriate proceedings, if so advised, before the Civil Court of competent jurisdiction for adjudication of their rights and/or reliefs as prayed for.

2.1) Leave and liberty granted.

3) Disposed off as withdrawn with aforesaid liberty.

4) In view of disposal of Petition, Interim Application (ST) No. 13634 of 2025 and Interim Application (ST) No. 13628 of 2025, do not survive and are accordingly disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)