

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 19383 OF 2024
WITH
INTERIM APPLICATION (ST.) NO. 884 OF 2025**

Vinayak Vasant Govitrikar & Ors. ... Petitioners

V/s.

State Of Maharashtra & Anr. ... Respondents

Mr. Ashok M. Saraogi for Petitioners.
Ms. M.P. Thakur, A.G.P. for Respondent No.1-State.
Mr. Mandar Limaye for Respondent No.2-TMC.

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

DATE : 14th January 2025.

P.C. :

1) It is an admitted fact on record that, the proposed Respondent No.3 Society is having 200 members. The Society is intending to redevelop its property. These 36 Petitioners approximately constitute 1/5th of the total members of the Society. The Petitioners are having grievance against the functioning and/or the decisions taken by the Society for redeveloping its property.

2) The Constitution Bench of the Hon'ble Supreme Court in the case of *Daman Singh & Ors. Vs. State of Punjab & Ors.*, reported in (1985) 2 SCC 670, in para No.11, 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.

3) In view thereof, we are of the confirmed opinion that, the Petitioners did not have any *locus standi* to seek the reliefs as prayed for. Petition is accordingly dismissed in *limine*.

3.1) In view of disposal of Petition, Interim Application (St.) No. 884 of 2025 pending therein, does not survive and is accordingly disposed off.

4) At this stage, Mr. Saraogi, learned counsel appearing for Petitioners submitted that, seven days period may be granted to the Petitioners to challenge the present Order.

4.1) Taking into consideration the aforementioned observations, we are not inclined to grant said reliefs to the Petitioners. The said request is accordingly rejected.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)