

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1917 OF 2025

Manikrao Shankar Devkate ...Petitioner
Versus
The State of Maharashtra through Government ...Respondents
Pleader & Ors

WITH
WRIT PETITION NO. 11404 OF 2024

Amol Chandrabhan Goje ...Petitioner
Versus
The State of Maharashtra through Government ...Respondents
Pleader & Ors

SHEPHALI
SANJAY
MORMARE

Digitally signed
by SHEPHALI
SANJAY
MORMARE
Date: 2025.09.29
17:25:53 +0530

Mr Rahul S Kadam, for the Petitioner in both matters.
Mr Sanjay Gangal, for Respondent No. 4 in WP/1917/2025.
Mr OA Chandurkar, Addl. GP, with GR Raghuwanshi, AGP, for the
Respondent-State in WP/1917/2025.
Mr NC Walimbe, Addl. GP, with SP Kamble, AGP, for the
Respondent-State.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 26TH SEPTEMBER 2025.

PC:-

WRIT PETITION NO. 1917 OF 2025:

1. Mr Rahul Kadam, learned counsel appearing for the
Petitioner submits that the Petitioner herein is a member of the Co-

operative Housing Society viz. Satyawadi Co-operative Housing Society, Erandwane, Pune. Being aggrieved by the order dated 17th October 2024, passed by the Assistant Commissioner, Social Justice and Welfare Department, Pune, whereby the membership of the Petitioner in the housing society was cancelled and he was asked to surrender the tenement on the ground that the Petitioner was using the premises for commercial purposes, this Writ Petition has been filed, *inter alia*, contending that after the registration of the housing society the Assistant Commissioner, Social Justice and Welfare Department, did not have any jurisdiction to pass such an order interfering with the rights and interest of the members of the housing society.

2. Mr. Rahul Kadam, learned Counsel appearing for the Petitioner has also produced a copy of the order dated 5th March 2025, passed by Co-ordinate Bench (Coram: Alok Aradhe CJ & Bharati Dangre, J.) in Writ Petition No. 15795 of 2022 to submit that the issue raised in the present Petition is squarely covered by the aforesaid order of the Court.

3. It appears that vide order dated 5th March 2025, passed by this Court in Writ Petition No. 15795 of 2022 instituted by the members of the same society, this Court had set aside the order passed by the Regional Deputy Commissioner of Social Welfare by holding that the said authority did not have any jurisdiction under the Act of 1960 to terminate the membership of the Petitioner. The society was, however, granted liberty to take action against the Petitioner for termination of membership, if so advised.

4. Since there is no wrangle at the bar that the order dated 5th March 2025, would be squarely applicable to the present case as well, we dispose of the Writ Petition by setting aside the impugned order dated 17th October 2024, holding the same to be without the authority of law.

5. The Housing society is, however, granted liberty to take action, if any, against the Petitioner based on the complaint of the Respondent No. 5, subject to scrupulous adherence to the statutory requirements.

6. It would also be open to Respondent No. 5 to agitate his grievances in accordance with law before the appropriate authority.

7. This Writ Petition stands disposed of.

WRIT PETITION NO. 11404 OF 2024:

8. List this matter on 7th November 2025.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)