

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8044 OF 2025

AND

WRIT PETITION NO.8045 OF 2025

AND

WRIT PETITION NO.8046 OF 2025

AND

WRIT PETITION NO.8155 OF 2025

Aspandiar Rashid Irani and another ... Petitioners

Vs.

Pasayadan Co-operative Housing Society Ltd.
and others ... Respondents

Mr. Ashutosh Gole for Petitioners.

Mr. S. D. Rayrikar, AGP for Respondents-State in WP/8044/2025.

Ms. D. S. Deshmukh, AGP for Respondents-State in WP/8045/2025.

Mr. B. B. Dahiphale, AGP for Respondents-State in WP/8046/2025.

Mr. J. P. Patil, AGP for Respondents-State in WP/8155/2025.

CORAM : MANISH PITALE, J.

DATE : JUNE 26, 2025

P.C. :

. Heard Mr. Gole, learned counsel for the petitioners.

2. These petitions arise out of proceedings initiated by the contesting respondent society under Section 154B-29 of the Maharashtra Co-operative Societies Act, 1960. By order dated 15.03.2024, the Deputy Registrar of Co-operative Societies found the petitioners in arrears in respect of four flats and directed them to pay such arrears to the respondent society, failing which the amounts were to be recovered as arrears of land revenue.

3. The orders were challenged before the revisional authority i.e. the Divisional Joint Registrar of Co-operative Societies. The revision applications were dismissed and the petitioners are before this Court.

4. Various grounds have been raised in the present writ petitions, including the very applicability of Section 154B-29 to the petitioners in the peculiar facts of the present case; question of limitation is also raised on behalf of the petitioners and it is submitted that even as on today, the petitioners are not members of the society raising a fundamental question as to whether 'dues' as defined under Section 154B-1(12) would even be applicable for the society to have maintained the proceedings against the petitioners under Section 154B-29 of the Act.

5. There is no dispute about the fact that while filing the revision applications before the revisional authority as per Section 154(2A), the petitioners had deposited 50% of the amounts due as per the order of the Deputy Registrar of Co-operative Societies, with the respondent society. It is submitted on behalf of the petitioners that if the argument on limitation is accepted, the said deposit would far exceed the amount payable to the respondent society.

6. This Court is inclined to entertain the present petition, but when the prayer for interim relief is being pressed, this Court is of the opinion that since the original authority i.e. the Deputy Registrar of Co-operative Societies found the petitioners liable to pay amount towards maintenance etc. as dues to the respondent society in March 2024, at least from the said month, the petitioners were expected to make payments, subject to challenge raised to the order of the original authority and without prejudice to their rights and contentions.

7. In view of the above, issue notice, returnable on 12.08.2025, High on Board.

8. Mr. Rayrikar, learned AGP waives notice for the respondents-State in Writ Petition No.8044 of 2025; Ms. Deshmukh, learned AGP waives notice for the respondents-State in Writ Petition No.8045 of

2025; Mr. Dahiphale, learned AGP waives notice for the respondents-State in Writ Petition No.8046 of 2025; and Mr.Patil, learned AGP waives notice for the respondents-State in Writ Petition No.8155 of 2025.

9. The petitioners are permitted to serve respondent Nos.1 and 4 in these petitions, additionally, by way of private service and to file an affidavit of service within two weeks from today.

10. In the meanwhile, by way of an ad-interim direction, further coercive steps shall not be taken against the petitioners, subject to the petitioners depositing monthly charges with the respondent society from March 2024 to June 2025 within four weeks from today and the petitioners continuing to pay the said monthly charges from July 2025 onwards during the pendency of these petitions, without prejudice to their rights and contentions.

(MANISH PITALE, J.)

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