IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6226 OF 2026

Hiten P Shah and Ors. **...Petitioners**

V/s.

State Of Maharashtra Through Secretary and Ors. **...Respondents**

Ms. Manjiri Parasnis *a/w Ms. Shrushti Kale and Ms. Samiksha lokhande, for Petitioners.*

Mr. A.A. Alaspurkar, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 18 AUGUST 2026

P.C.:

1) The Petitioner challenges order dated 10 September 2025 passed by the Hon'ble Minister dismissing the Revision Application No. 198 of 2025 preferred by the Petitioners and confirming the orders dated 27 January 2025 passed by the Divisional Joint Registrar and 16 March 2021 passed by the Deputy Registrar. By the impugned order, the Deputy Registrar has directed to treat the flats in accordance with the sanctioned plan for purpose of levy of maintenance and other charges.

2) I have heard Ms. Parasnis, the learned counsel appearing for Petitioners, Mr. Alaspurkar, the learned AGP appearing for Respondent-

State and have considered the submissions canvassed by them. There is no dispute to the position that the concerned flats, though are shown as 3 BHK flats, are sanctioned in the development permission as two separate flats. Under Section 154B-5 of the Maharashtra Co-opertaive Societies Act, 1960 (**MCS Act**), the membership of the Society needs to be equal to the number of flats in the building. In that sense, the Deputy Registrar has rightly directed the Society to treat the flats as two flats rather than treating the same as one flat.

3) Ms. Parasnis submits that proposal is submitted before the Municipal Corporation for amalgamation of the flats. As and when such amalgamation is sanctioned, necessary changes can always be effected by the Society in respect of the membership. As of now, the originally sanctioned plan operates. Therefore, there is no warrant for interference in the impugned orders.

4) The Writ Petition is accordingly **dismissed**, leaving it open to the Petitioners to seek revised plans from the Municipal Corporation. As and when the plans are revised by Municipal Corporation, the Society shall effect necessary changes in its membership register. In the event Society makes demand for maintenance and other charges prior to the passing of the order by the Deputy Registrar, the Petitioners would be at liberty to raise the issue of limitation.

[SANDEEP V. MARNE, J.]