

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2991 OF 2026

Girish Chattukutty Nair and Anr. ... Petitioners
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. Hemant G. for the petitioner.

Mr. Nikhil Patil for respondent No.3

Ms. A.A. Nadkarni, AGP, for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 9, 2026

P.C.:

1. By the impugned order, the Registrar fixed a hearing on what was treated as an application made by the petitioners regarding issuance of a No Dues Certificate prior to transfer of the flat. The record shows that the petitioners had addressed an application to the Society seeking such certificate and had merely marked a copy of that communication to the Registrar. The Registrar, however, treated the marking of the copy as if it were an independent application filed before him and accordingly proceeded to fix a hearing on that basis.

2. The real issue which arises in this situation concerns the question whether the petitioners are liable to pay any dues to the housing society. In the ordinary course, such dues must first be clearly specified and determined by the Society itself. Only after

the Society identifies the alleged dues and communicates them to the member can any dispute regarding the correctness or quantum of those dues be examined in an appropriate proceeding, if the law so permits.

3. In the present case, the petitioners state that they have not filed any application before the Registrar and that they had only marked a copy of their communication addressed to the Society. If that position is accepted, there remains no occasion for the Registrar to proceed with a hearing on the basis of a supposed application.

4. Therefore, the notice dated 12 January 2026 fixing such hearing stands withdrawn. The Society, however, remains free to consider and decide the petitioners' request for issuance of a No Dues Certificate in accordance with law and its governing bye laws.

5. In view of above, the writ petition stands disposed of.

(AMIT BORKAR, J.)