

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022

With

CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022

In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2024

In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022

With

CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2022

In R/SPECIAL CIVIL APPLICATION NO. 10387 of 2022

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RAS-RAJESHWAR COOPERATIVE HOUSING SOCIETY LTD.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

DHARA P BHATT(7530) for the Petitioner(s) No. 1

MR. PARTH H BHATT(6381) for the Petitioner(s) No. 1

DS AFF.NOT FILED (R) for the Respondent(s) No. 4

GOVERNMENT PLEADER for the Respondent(s) No. 1

MR DEEP D VYAS(3869) for the Respondent(s) No. 2

MR RUTUL P DESAI(6498) for the Respondent(s) No. 3

MR YATIN SONI(868) for the Respondent(s) No. 6,7

MS TEJAL A VASHI(2704) for the Respondent(s) No. 8

MS. KITTY S MEHTA(7025) for the Respondent(s) No. 5

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 02/09/2025

ORAL ORDER

1. Learned senior advocate Mr. Prashant Desai for private respondent No.3 (objecting member) upon priority sought on behalf of petitioner submitted that shorter time may be granted

since respondent No.3 is ready to negotiate for redevelopment.

2. Learned advocate Mr. Parth Bhatt for the petitioner submitted that out of total 36 members, 33 members are ready for redevelopment and on account of objection of three members, the redevelopment process could not get completed. Respondent No.3, is the only member residing and not cooperating. The apprehension of respondent No.3, that he is going to get lessor area upon redevelopment is misconceived, because bigger area with better facilities is proposed upon redevelopment and therefore, other members have voluntarily signed their respective MOUs on their own volition.

3. Further, the grievance of respondent No.3 with regard to commercial construction permitted upon redevelopment is also misconceived, because the Society now in its Extra Ordinary General Meeting had passed a resolution agreeing to the commercial construction in the society and also resolved to take appropriate proceedings before the appropriate forum.

4. On the submission of learned senior advocate Mr. Desai, that EGM notice was not given to respondent No.3, learned advocate Mr. Bhatt submitted that respondent no.3 was made aware however, he did not participate.

5. Considering the possibility of settlement by respondent No.3 and on account of sick note of learned advocate appearing for one of the private respondents, the matter is adjourned to 11.09.2025.

(MAUNA M. BHATT,J)

NAIR SMITA V./149