

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 18621 of 2023**

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VIJAYBHAI PUNJABHAI PARMAR

Versus

REGIONAL COMMISSIONER, NAGARPALIKA, VADODARA &amp; ORS.

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Appearance:

MR DAXESH D BAROT(13149) for the Petitioner(s) No. 1

for the Respondent(s) No. 1,2,3,4

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**CORAM: HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 24/04/2024****ORAL ORDER**

1. Heard Mr. Daxesh D. Barot, the learned advocate appearing for the writ-applicant.

2. Leave to add respondent No.5 - Secretary, Nandan Residency, Opp. Hotel Bhagyaraj, Desar Road, Savli, Dist. Vadodara is granted.

3. Mr. Barot, the learned advocate relied on the order passed in the Special Civil Application No.9900 of 2003 in case of Harikrushnadas vs. Vinodchandra dated 11.1.2010. Reliance is placed on paragraph-6. Upon placing reliance on the same it is submitted that when the grievance is with respect to the common plot reserved for common facilities and common purposes for all the members of the society, even a single

member who is having right for utilization of the common plot can raise the grievance against any illegal action of the members of the Managing Committee of the society or may be of the General Board of the society for sale of such property and the reason being that he has the interest for utilization of the common plot together with the other members of the society.

4. Issue notice making it returnable on 14.6.2024.

Direct service is permitted.

K.K. SAIYED

**(VAIBHAVI D. NANAVATI,J)**