



MPBalekar

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

WRIT PETITION NO. 13469 OF 2023

Jay View Co-Op Hsg. Soc. Ltd. ... Petitioner
V/s.
State of Maharashtra and Ors. ... Respondents

**WITH
INTERIM APPLICATION (ST) NO. 12428 OF 2026
IN
WRIT PETITION NO. 13469 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 5441 OF 2026
IN
WRIT PETITION NO. 13469 OF 2023
WITH
WRIT PETITION NO. 13468 OF 2023**

Mr. Bhanu Chopra a/w Sakaina E. and Mihir P. i/by
Avyaan Legal for the petitioner in both the writ
petitions.

Mrs, Ashwini A. Purav, AGP, for the State – Respondent
Nos. 1 & 2 in Writ Petition No. 13469 of 2023.

Mrs. Mamta S. Shrivastava, AGP, for the State –
Respondent Nos. 1 & 2 in Writ Petition No. 13468 of
2023.

Mr. Prashant Kulkarni a/w Rachna Mamnani i/by S.
Baid for respondent Nos. 4 & 5 Writ Petition No. 13468
of 2023.

Mr. G. Shah a/w Aseem Naphade, Manohar S. and
Omar Shaikh for respondent No. 4 to 6 in Writ Petition
No. 13469 of 2023.

CORAM : AMIT BORKAR, J.

DATED : APRIL 27, 2026



P.C.:

1. The parties to both the writ petitions are ad idem that the following order be passed for disposal of the present proceedings.
2. The respondent Nos. 4 to 6 in Writ Petition No. 13469 of 2023 and respondent Nos. 4 and 5 in Writ Petition No. 13468 of 2023, are at liberty to approach the Municipal Corporation of Greater Mumbai for treating their respective premises, namely Flat Nos. 1201 and 1601 situated in B-Wing, as independent flats and for seeking revision and/or amendment of the sanctioned plan dated 15 July 2011. In the event the Municipal Corporation accepts such request and permits revision and/or amendment of the sanctioned plan by recognising Flat Nos. 1201 and 1601 as separate and independent flats, respondent Nos. 4 to 6 in Writ Petition No. 13469 of 2023 and respondent Nos. 4 and 5 in Writ Petition No. 13468 of 2023 shall be granted of membership, subject to their not being otherwise disqualified or ineligible under law.
3. In view of the aforesaid consensual arrangement, the impugned orders passed by the competent authority under the relevant Act granting membership are quashed and set aside. However, it is clarified that respondent Nos. 4 to 6 in Writ Petition No. 13469 of 2023 and respondent Nos. 4 and 5 in Writ Petition No. 13468 of 2023 shall be at liberty to apply afresh for membership, in the event revision and/or amendment of the sanctioned plan is approved by the Municipal Corporation.



4. Both the writ petitions, along with all pending interim applications, stand disposed of in the above terms.

(AMIT BORKAR, J.)