



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2586 OF 2024

Mrs. Jayashree Dilip Dholi

... Petitioner

Versus

The Deputy Registrar of Co-operative Housing
Societies & Ors.

...Respondents

Ms. Jayashree D. Dholi, Petitioner in person.

Mr. M. P. Jadhav, Addl. G. P. for State.

**CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.**
DATED: 25th JANUARY 2024

P.C.

1. We have heard Mrs. Jayashree Dholi, Petitioner in person who is a Senior Citizen. She states that she is a member of Navin Manju Co-op. Hsg. Society ltd. ("the Society"), in respect of her flat, which she states has been vacated by her in the year 2019, on the ground that the building in which the flat is situated would be taken by the Society for re-development.
2. It is the Petitioner's contention that Respondent No.3-M/s. Square One Realty was appointed by the Society to undertake re-development. However, her contention is that the proprietor of the said developer- Mr.Jignesh Gala would not be able to undertake the project in as much as there are several proceedings and large recoveries against him.
3. The Petitioner's contention is that at such old age she has been rendered roofless for last four years and her basic rights guaranteed under Article 21 of the Constitution, read with Article 14 of the Constitution, are violated. She fairly stated that she would be supported by six other members who are all Senior Citizens and are suffering at the hands of majority members of the

Society, who, for some reason, appear to be with the Managing Committee of the Society, which, according to her, itself is illegal. It is therefore her contention that the intervention of this Court is called for, more particularly in the light of the fundamental rights guaranteed to her under Articles 14 and 21 of the Constitution, read with Article 300 A of the Constitution.

4. *Prima-facie* we find substance in the contention as urged on behalf of the Petitioner that Senior Citizens cannot be left to suffer to be roofless at the last stage of their life on any delayed or impossible redevelopment. The Court, in these circumstances, would not be powerless to issue an appropriate writ under Article 226 of the Constitution of India so that the fundamental rights guaranteed to the Senior Citizens in respect of their entitlement of a shelter in their twilight years cannot be taken away under the garb of a failed or delayed redevelopment making them to irreparably suffer. They need to be protected.

5. However, before we proceed to pass any orders, Respondents are required to be heard. Accordingly, issue notice on the Petition to the Respondents.

6. Let the notice on the Petition be served on Respondent No.2 and 3 urgently through the Bailiff of the Civil Court. Respondent No.1 is the State Government who is represented by Mr. Jadhav, learned Assistant Government Pleader.

7. We direct the Law Officer of the Municipal Corporation to depute an Advocate to appear in the present proceedings for Respondent Nos.4 and 5. Mr. Jadhav, learned Assistant Government Pleader, to inform the Advocates for the Municipal Corporation who usually appear in this Court and also forward a copy of the Petition.

8. List the matter on 31st January 2024 “HOB”, so that, by such time, the notice on the Respondents is served and the parties can heard for appropriate orders.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)