

A handful of flat owners can't hold housing society to ransom over redevelopment: Bombay HC: The ET Realty

A handful of flat owners cannot hold a housing society to ransom over redevelopment, the Bombay high court has ruled.

Hearing a plea against the occupants and owners of 10 flats in a housing society in Mulund (W), Justice Gautam Patel ordered them to vacate the apartments within four weeks. The high court said in case this is not done, the court receiver can take the help of the police to evict the occupants.

"The majority of (society members) have accepted the entire proposal; some have accepted the whole of it. How they can oppose it now, and on these grounds defy logic, common sense and the very purpose of the Maharashtra Cooperative Societies Act," said the judge. "If every single member is entitled to ventilate every single grievance and to hold the society to ransom, no society will ever progress. It is not a question of the majority dominating the minority, or of this being somehow egregious; what is shocking is the manner in which a minority has attempted to hold the majority to ransom. That is intolerable." The HC has stayed its order for three weeks.

Constructed in 1947, Azad Nagar Cooperative Housing Society, a ground-plus-two-storey structure with 36 apartments on Netaji Subhash Chandra Road, is spread over 1,237 sq m. In 2009, at an annual general meeting, the society members decided to redevelop the building, which is in a dilapidated condition, and approved the bid of Maya Developers in 2012. The builder offered to pay the flat owners Rs 14,000-Rs 18,000 per month towards transit accommodation and give the existing flat owners apartments ranging from 485 to 620 sq ft in the new structure.

But around 2014, some of the members, including flat owners who had earlier given their consent, opposed the redevelopment, especially the choice of the developer, and moved court. There was no relief from the cooperative court and subsequently the developer approached the HC seeking the eviction of the opposing flat owners. The developer claimed that he had already spent over Rs 4 crore on the project. The HC held that it had the jurisdiction to hear the case and remarked that "a handful cannot hold to ransom the interests of the majority in a cooperative society".

The court said the housing society supports the developer and the opposing flat owners and occupants had not been able to point out that the developer had been wrongly favoured over other builders.