

### Membership for Unauthorized Construction

As per the old Bye-laws there was a restriction that the number of members in society shall be limited to the number of flats constructed in the building. This has been emended in the new Bye-laws by addition of the words, "Excess members shall not have right, title or interest in Societies property or shall not be eligible for voting. It shall be binding on the committee to induct the members to the extent of number of flats only.

The builder has to construct the flats as per the plan sanctioned by the local authorities. However, on account of excess constructions or unauthorized addition or encroachment to the building most of the time occupation certificate is not given. Such additionally constructed flat or the area of the flat is also sold by the builder to the flat purchasers. Under the circumstances it will be a very difficult task for the Managing Committee of the Society to decide about the legality of the flat and its ownership and whether to make such owner member of the society or not. At the same time a person holding this kind of flat having been made a member of the society whether he can be deprived of its rights as a member given by the Maharashtra Co-operative Societies Act, 1960 will be again a complicate question. Such purchaser invoke deemed Membership provision and get orders from Registrar for Membership.

In any case as per the amended Bye-laws such excess members shall have no right, title or interest in the society's property. However, the Managing Committee can surely say that it is bound by the Bye-laws and the question of admission of a member may be left to the decision of the Registrar and the court of law.