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Understanding the 51% Consent Rule in Housing Society Redevelopment

by CA Ramesha Prabhu in Real Estate & Property Law Posted on 15/04/2025 18:00

The 51% Consent Rule: What It Means

As per the Maharashtra government's directives, a housing society can proceed with redevelopment if at least 51% of its total members provide written consent during a Special General Body

Meeting (SGM). This threshold aims to simplify and expedite the redevelopment process, especially for older and smaller buildings.

Voting Dynamics: Majority vs. Minority

Once the 51% consent threshold is met, the society is legally empowered to move forward with redevelopment plans. Members who oppose the decision, even if they constitute up to 49% of the society, cannot unilaterally halt the process. The Bombay High Court has consistently upheld that minority members cannot obstruct redevelopment approved by the majority.

Rights of Absent Members

Members unable to attend the SGM but wishing to support redevelopment should submit their written consent to the society's managing committee before the meeting. This ensures their vote is counted towards the required majority. It's crucial to note that verbal approvals or informal communications are not considered valid; only documented consent is recognized.

Legal Recourse for Non-Consenting Members

Non-consenting members who refuse to vacate their premises post-approval may face legal action. Developers can approach the High Court to seek possession of such flats. In several cases, the court has appointed receivers to take possession of the properties and hand them over to the developers, emphasizing that minority opposition cannot derail redevelopment projects.



Importance of Timely Consent

Delays in providing consent can lead to prolonged disputes and potential legal complications. Members are encouraged to participate actively in SGMs and communicate their decisions promptly to facilitate smooth redevelopment processes.

Conclusion

The 51% consent rule empowers housing societies in Maharashtra to undertake redevelopment projects efficiently. While it respects the majority's decision, it also provides a structured legal framework to address minority concerns, ensuring balanced and progressive urban development.

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