

**Dusane**

BHALCHANDRA  
GOPAL  
DUSANE

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

**WRIT PETITION NO.12967 OF 2023**

The Siddhey CHS Limited ...Petitioner  
through the Chairman/Secretary

V/s.

The Deputy Registrar, F-N Ward, ...Respondents  
Co-operative Societies, Mumbai  
& Ors.

Mr. Amit Shankar Kate for Petitioner.

Mr. P.P. Pujari, AGP for Respondent Nos. 1 and 3-  
State.

Mr. Sameer Khedekar i/by Mr. Deepak Patil for  
Respondent No. 2.

**CORAM: MADHAV J. JAMDAR, J.**  
**DATE: 16th October 2023**

**P.C.:**

**1.** Heard Mr. Amit Kate, learned Counsel appearing for the  
Petitioner-Society.

**2.** The challenge in this Writ Petition is to the legality and  
validity of order dated 27<sup>th</sup> June 2023 and further letter dated  
27<sup>th</sup> September 2023. The said order dated 27<sup>th</sup> June 2023 is  
passed as the Society is not complying with order dated 9<sup>th</sup> May  
2023 passed by Assistant Registrar, Co-operative Societies, F-N.  
Division, Mumbai.

- 3.** Mr. Kate states that the said order is challenged by filing Revision which is pending before the Divisional Joint Registrar.
- 4.** Learned Counsel appearing for the Respondent No.2 states that there is no stay which has been granted to the said order dated 9<sup>th</sup> May 2023. By said order, the direction is issued to the Society to accept the Respondent No.2 as a member of the Society with respect to Flat No. 116.
- 5.** The factual position on record shows that the said flat was belonging to Smt. Madhu Anand Gohil, who sold the flat to the Respondent No. 2 on 14<sup>th</sup> January 2016. It is also seen that the Society was to take action for issuing share certificate in favour of Respondent No. 2 by accepting him as member, however, the enquiry Officer has raised the point that the Society has not complied with the requirement of bye-laws and therefore no further steps were taken. However, by order dated 9<sup>th</sup> May 2023, Assistant Registrar by giving cogent reasons has directed that the membership be granted to Respondent No.2.
- 6.** The factual position on record further shows that none has raised any objection claiming right through said Smt. Madhu Anand Gohil or any right whatsoever with respect to said flat. Therefore, no interference in the impugned order under Article 227 of the Constitution of India is warranted.

**7.** However, it is clarified that the observations made in this order are only from the point of examining the legality and validity of the impugned order and the impugned notice/letter.

**8.** All the contentions of all the parties before the Divisional Joint Registrar about legality and validity of order dated 9<sup>th</sup> May 2023 are expressly kept open.

**9.** Accordingly the Writ Petition is disposed of in above terms with no order as to costs.

**(MADHAV J. JAMDAR, J.)**