

Nikita

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

WRIT PETITION NO.633 OF 2024

Khawaja Garib Nawaz Co-operative
Housing Society Ltd. Thr. Its Chief
Promoter ... Petitioner

V/s.

Divisional Joint Registrar Co-operative
Societies and Ors. ... Respondents

WITH

INTERIM APPLICATION (ST.) NO.1491 OF 2024

Budhpur Buildcon Pvt. Ltd. ... Applicant

In the matter between

Khawaja Garib Nawaz Co-operative
Housing Society Ltd. Thr. Its Chief
Promoter ... Petitioner

V/s.

Divisional Joint Registrar Co-operative
Societies and Ors. ... Respondents

Mr. Vijay Kurlle a/w Ravindra Bhosale i/b Mr. Manohar
V. Shetty for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the State/Respondent
Nos. 1 and 2.

Ms. Neha Nagotaneekar for Respondent No.4.

Mr. Bhushan Deshmukh a/w Ms. Aayushi Gohil a/w
Mr. Umair Merchant, for the Intervener.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 16, 2024

PC.:

1. The challenge in this petition is to the order passed by the
Appellate Authority in exercise of power under Section 152 of

Maharashtra Cooperative Societies Act, 1960. Wherein, the application for reservation of name of opening of bank account filed by the appellant has been rejected.

1. The order impugned in the appeal was passed in exercise of power under Section 9 of Maharashtra Cooperative Societies Act, 1960. Against such order, the aggrieved person has a remedy under Section 152 of the Maharashtra Cooperative Societies Act, 1960. Against the decision of Divisional Joint Registrar, under Section 152, the aggrieved person has remedy under Section 154 of the Maharashtra Cooperative Societies Act, 1960.

2. The Full Bench of this Court in the case of **Shireen Sami Gadiali and Anr. Vs. Spenta Cooperative Housing Society Ltd. and Ors.** reported in (2011) 3 Mah. LJ. 486 held that the remedy under Section 154 can be invoke by the parties as of right. Therefore, it is held that exercise of power by the Writ Court in extraordinary constitutional jurisdiction is uncalled for, unless the case is covered by the exceptions laid down by the Apex Court in the case of **Whirpool Corporation Vs. Registrar of Trade Marks Mumbai** reported in (1998) 8 SCC 1. Therefore, the petitioner is at liberty to challenge the impugned order by way of revision before the State government.

1. With the said liberty, the writ petition stands disposed of.

2. In view of disposal of writ petition, the intervention application stands disposed of. No costs.

(AMIT BORKAR, J.)