

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.7435 OF 2025**

Udhav Laxman Jadhav
Age: 61 years,
Residing at Jalgaon,
Tal. Koregaon, Dist. Satara

..Petitioner

Versus

1. The State of Maharashtra,
Through Ministry of Co-operation
Mantralay Mumbai
2. Divisional Joint Registrar,
Kolhapur Division, Kolhapur.
3. The Assistant Registrar,
Koregaon Taluka Koregaon, Dist. Satara
4. Bhagwanrao Jadhav Vikas Seva Society Ltd.,
Jalgaon, Tal. Koregaon,
Dist. Satara.
5. The District Deputy Registrar Satara
6. Ranjeet Sanjay Jadhav
Age: Adult, Occu: Agriculture.
7. Vijay Laxman Jadhav
Age: Adult, Occu: Agriculture.
8. Daulat Balwant Patil
Age: Adult, Occu: Agriculture.
9. Kiran Shankarrao Jadhav
Age: Adult, Occu: Agriculture.
10. Nilesh Shivaji Jadhav
Age: Adult, Occu: Agriculture.
11. Yogesh Sanjay Jadhav
Age: Adult, Occu: Agriculture.
12. Kishore Shankarrao Jadhav

Age: Adult, Occu: Agriculture.

13. Dinkar Mahadev Shinde
Age: Adult, Occu: Agriculture.
14. Prakash Kondiba Mane
Age: Adult, Occu: Agriculture.
15. Eknath Dagadu Sidtude
Age: Adult, Occu: Agriculture.
16. Bhimrao Naindev Sidtude
Age: Adult, Occu: Agriculture.
17. Yamuna Arjun Jadhav
Age: Adult, Occu: Agriculture.
18. Ravindra Pandurang Sidtude
Age: Adult, Occu: Agriculture.
19. Dattatray Dagadu Sidtude
Age: Adult, Occu: Agriculture.
20. Vimal Shankar Jadhav
Age: Adult, Occu: Agriculture.
21. Dilip Vishnu Bhagat
Age: Adult, Occu: Agriculture.
22. Rukmini Ganpat Jadhav
Age: Adult, Occu: Agriculture.
23. Sulochana Narayan Jadhav
Age: Adult, Occu: Agriculture.
24. Chatura Parbati Jadhav
Age: Adult, Occu: Agriculture.
25. Rohan Shiva Mane
Age: Adult, Occu: Agriculture.
26. Sagar Shiva Mane
Age: Adult, Occu: Agriculture
27. Kamal Dada Paanbude
Age: Adult, Occu: Agriculture.

28. Vanita Tukaram Bhosale
Age: Adult, Occu: Agriculture.
29. Latika Sanjay Jadhav
Age: Adult, Occu: Agriculture.
30. Vaibhav Arun Jadhav
Age: Adult, Occu: Agriculture.
31. Trituja Sanjay Jadhav
Age: Adult, Occu: Agriculture.
32. Nirmala Adhik Jadhav
Age: Adult, Occu: Agriculture.
33. Neelam Yogesh Paanbude
Age: Adult, Occu: Agriculture.
34. Pragya Nitesh Paanbude
Age: Adult, Occu: Agriculture.
35. Sudha Shankar Jadhav
Age: Adult, Occu: Agriculture.
36. Monali Satish Paanbude
Age: Adult, Occu: Agriculture.
37. Sonali Nilesch Paanbude
Age: Adult, Occu: Agriculture.
38. Raviraj Ramchandra Jadhav Patil
Age: Adult, Occu: Agriculture.
39. Vaibhav Arvind Patil
Age: Adult, Occu: Agriculture.
40. Rahul Sampatrao Patil
Age: Adult, Occu: Agriculture.
41. Malan Maruti Sidtude
Age: Adult, Occu: Agriculture.
42. Patangrao Balwant Patil
Age: Adult, Occu: Agriculture.
43. Sandeep Shankar Sidtude
Age: Adult, Occu: Agriculture.

44. Ajay Shivaji Jadhav
Age: Adult, Occu: Agriculture.
45. Radhika Amol Bhosale
Age: Adult, Occu: Agriculture.
46. Ranjana Balkrishan Mane
Age: Adult, Occu: Agriculture.
47. Hidveer Arun Jadhav
Age: Adult, Occu: Agriculture.
48. Sushma Vikas Jadhav
Age: Adult, Occu: Agriculture.
49. Jayshree Pandharinath Jadhav
Age: Adult, Occu: Agriculture.
50. Shashikant Jaywantrao Shinde
Age: Adult, Occu: Agriculture.
51. Ujwala Tulshiram Nikam
Age: Adult, Occu: Agriculture.
52. Rajshree Nilesh Jadhav
Age: Adult, Occu: Agriculture.
Nos.6 to 52 All residing at
Jalgaon, Tal. Koregaon,
Dist. Satara.
53. Yuvraj Jaysing Jadhav
Age: Adult, Occu: Agriculture,
R/o. Jalgaon, Tal. Koregaon, Dist. Satara. ..Respondents

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Mr. Vaibhav Ramchandra Gaikwad, Advocate for Petitioner.
Mr. Umesh Mankapure a/w Dilip Shinde i/by Mr. Mohit Prabhakar
Dalvi and Hrishikesh Pawaskar, Advocate for Respondent Nos.6 to 52.
Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.1 to 3.
Mr. Kishor Patil a/w Mrs. Sampada Patil i/by Mr. Akshay Kapadia,
Advocate for Respondent No.4.
Mr. Dilip Badake, Advocate for Respondent No.5.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 09th SEPTEMBER, 2025.
PRONOUNCED ON : 14th OCTOBER, 2025.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties, matter is taken up for final hearing at admission stage.
2. The present Writ Petition takes exception to order dated 23.05.2025 passed by respondent no.2-Divisional Joint Registrar, Kolhapur in Appeal No.206/2024, thereby setting aside order dated 25.11.2024 passed by Assistant Registrar, Co-operative Society, Taluka Koregaon, District Satara under Section 11 of Maharashtra Co-operative Societies Act, 1960 (for the sake of brevity hereinafter referred as 'MCS Act, 1960'), declaring respondent/individual members of Society to be disqualified.
3. The respondent no.4-Bhagwanrao Jadhav Vikas Seva Society Ltd. (for the sake of brevity hereinafter referred as 'Society') is Agriculture Credit Society registered under provisions of MCS Act, 1960. The respondent nos.6 to 53 were enrolled as members of Society. The petitioner, who is also member of respondent no.4-Society submitted application dated 06.10.2023 to Assistant Registrar alleging that individuals who were non-compliant of requirements for valid membership under bye-laws of Society are illegally added as members of Society. None of them has obtained loan from Society and only for political reason, they are added as members of Society. It was further

alleged that some of members are not residing within jurisdiction of Society or they were not holding agriculture land within jurisdiction of Society. As such, they were not eligible to be members of respondent no.4-Society. List of 162 members was provided alongwith application with request to cause enquiry into matter. The Assistant Registrar appointed Enquiry Officer, who conducted enquiry, inspected record and submitted his report to Assistant Registrar. The notices were issued to individual members. Some of members filed detailed reply. After hearing parties, Assistant Registrar passed order dated 25.11.2024 holding that some of individual members were not residents of jurisdiction of Society or they were not holders of agriculture land in terms of Clause 6(4) of bye-laws. In result, passed order declaring them as disqualified in exercise of powers conferred under Section 11 of MCS Act, 1960.

4. The respondent nos.6 to 53/aggrieved persons filed Appeal bearing No.206/2024 before respondent no.2-Divisional Joint Registrar assailing order of disqualification passed by Assistant Registrar under Section 152 of MCS Act, 1960. The Divisional Joint Registrar allowed Appeal, thereby setting aside order passed by Assistant Registrar observing that Assistant Registrar exceeded his jurisdiction under Section 11 read with Section 22 (1-A) of MCS Act, 1960, by deciding issue of disqualification of members..

5. Mr. Vaibhav Gaikwad, learned Advocate appearing for petitioner submits that Section 11 of MCS Act, 1960 empowers Registrar to rule upon any question as to whether person is agriculturist or not, or whether any person resides in area of operation of Society or not, or whether person has incurred disqualification under MCS Act, 1960. In present case, Assistant Registrar caused enquiry into membership of respondent nos.6 to 53 and by recording elaborate reasons declared them as disqualified. The Divisional Joint Registrar has misinterpreted Section 11 of MCS Act, 1960 while holding that Assistant Registrar does not possess power to rule upon disqualification of members. His powers are restricted to decide, if person is an agriculturist or he resides in area of operation of Societies or not. He would, therefore, urge that impugned order passed by Appellate Authority is required to be quashed and set aside and order passed by Assistant Registrar needs to be restored.

6. Per contra, Mr. Kishor Patil and Mr. Umesh Mankapure, learned Advocates appearing for respondent-Society and individual members respectively, supports impugned order. According to them, provisions under Section 11 of MCS Act, 1960 does not empower Registrar to pass order of disqualification or removal of members. According to them, Section 11 of MCS Act, 1960 needs to be read in consonance with Sections 25, 35 with Rules 28 and 29 of MCS Act, 1960. According to them, Section 11 of MCS Act, 1960 does not empower Registrar to

examine or invalidate internal procedures or resolutions of Society beyond ambit of membership eligibility criteria. The Registrar can rule upon on only whether person (i) is an agriculturist, (ii) resides within the society's area of operation, and (iii) is engaged in carrying on business in that area. If Registrar embark upon an inquiry into validity of meeting convened by Society or determine procedural aspects leading to passing a resolution, he would be entering into jurisdiction of Court under Section 91 of MCS Act, 1960. The learned Advocates appearing for respondents further submit that Assistant Registrar passed impugned order in wake of election process, which was already set in motion. At this stage, enquiry under Section 11 of MCS Act, 1960 is not contemplated. In support of their contentions, they relies upon observations of this Court in cases of *Vitthal Sahakari Kukkutpalan, Andi Kharedi Vikri and Prakriya Sangh Maryadit Vs. Tanaji Mahadev Patil and Others*¹, *Shriram s/o Mukundrao Korde Vs. State of Maharashtra and Others*² and *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another Vs. State of Maharashtra and Others*³.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, question that arises for consideration in this Writ Petition is as to whether Registrar has exercised powers conferred upon him under Section 11 of MCS Act, 1960 within scope

¹ 2025 SCC OnLine Bom 771.

² 2015 (4) Mh.L.J. 114.

³ (2001) 8 SCC 509.

and powers vested with him or whether he exceeded such jurisdiction while passing order of disqualification of respondent nos.6 to 53.

8. Section 11 prescribes for power of Registrar to decide certain questions and reads thus:

“11. Power of Registrar to decide certain questions.—

When, any question arises whether a person is an agriculturist or not, or whether any person resides in the area of operation of the Society or not, [or whether a person is or is not engaged in or carrying on any profession, business or employment, or whether a person belongs or does not belong to such class of persons as declared under sub-section (1A) of Section 22 and has or has not incurred a disqualification under that subsection,] such question shall be decided by the Registrar [and his decision shall be final, but no decision adverse to any such person shall be given without giving him an opportunity of being heard.]”

9. Section 22 of MCS Act, 1960 deals with person who may become member. Sub-sections 1A and 1B of Section 22 prescribes powers of State Government to declare that any person or class of persons engaged in or carrying on any profession, business or employment shall be disqualified from being admitted, or for continuing, as member or shall be eligible for membership only to limited extend to any specified Society. Sub-section 1B of Section 22 is exception to sub-Section 1A and reads as under:

“(1B) Notwithstanding anything contained in sub section (1), where the Registrar has decided under Section 11 that a person has incurred a disqualification under sub section (1-A), the Registrar or the person not below the rank of District Deputy Registrar of Cooperative Societies, authorized by him in this behalf, may, by order, remove such person from membership of the society; and such person shall cease to be

a member of the society on expiration of a period of one month from the date of receipt of such order by him.”

10. The Division Bench of this Court in case of ***Karbhari Maruti Agawan and Others Vs. State of Maharashtra and Others***⁴ dealt with parameters of power of Registrar under Section 11 of MCS Act, 1960 and observed that Registrar has all the powers to go into questions of qualifications and disqualifications of members even when provisional list of voters was published. Since Registrar can exercise his powers *suo motu* also these provisions in statute are not merely enabling but they speak about duty cast on Registrar. While exercising his powers, Registrar will not allow parties to have fishing enquiries and will not allow withholding of the elections. He has power to seize record if it is not produced before him by Society, he has to hear claimants, objectors and affected persons expeditiously and give his orders directing necessary corrections. But he should do so before list is finalized and is declared final list of voters for that election. Even minor extension in date for publication of final list of voters can be suggested to Collector in such cases.

11. In yet another judgment of this Court in case of ***Ramkisan Bhanudas Shinde & others Vs. State of Maharashtra and others***⁵, this Court observed that dispute may arise as to whether person is engaged in a particular profession, business or employment or is normally resident of a particular area and section 11 of the Act gives power to

⁴ (1994) 2 MhLJ 1527.

⁵ 1994 (2) Mh.L.J. 1115.

the Registrar to decide such question. If an objection is taken for inclusion of a member in the voters list or a claim is made by a person who is not included in such list, aforesaid question may arise for the determination of the Registrar under section 11 of the Act. Section 11 is an enabling provision and will have to be read along with other provisions of the law. It cannot be read to mean that the power under section 11 can be invoked any time and even after finalisation of the list of voters.

12. While examining contours of power of Registrar under Section 11 of MCS Act, 1960, this Court in case of ***Vitthal Sahakari Kukkutpalan, Andi Kharedi Vikri and Prakriya Sangh Maryadi Vs. Tanaji Mahadev Patil and others***⁶ observed in paragraph nos.22, 23 and 25 as under:

“22. The foregoing analysis leads to the inference that the authorities below were required to specifically address whether there was sufficient material to support or negate each member's eligibility, rather than merely adopting the findings of the Section 89A inquiry or delving into extraneous considerations such as procedural regularity of the meeting. Against this backdrop, the present proceedings necessitate a careful calibration of the Registrar's jurisdiction under Section 11 to ensure that the exercise of this statutory power remains confined to determining the factual eligibility criteria laid down under the Act and the Bye-laws, with-out encroaching upon the domain of disputes that are required to be settled under other provisions.

23. In order to address the scope of the power under Section 11 of the said Act, it would be apposite to refer to the statutory framework contained therein. Section 11 empowers the Registrar to decide specific questions, inter alia, whether a particular individual is an agriculturist or otherwise, whether

such individual is residing within the area of operation of the society, or whether such individual is engaged in carrying on business therein. The legislative intent, as can be discerned from a plain reading of Section 11, appears to confine the Registrar's jurisdiction to determining these limited questions of fact, culminating in a final determination that is ordinarily not amenable to an appeal.

25. A closer reading of Section 11 of the said Act makes it abundantly clear that the power conferred upon the Registrar is circumscribed by the statutory mandate to adjudicate only on whether a person (i) is an agriculturist, (ii) resides within the society's area of operation, and (iii) is engaged in carrying on business in that area. It does not empower the Registrar to embark upon an inquiry into the validity of the meeting convened by the society or to determine whether the society has followed the correct procedure prior to passing a resolution. Such matters, if disputed, must be taken up before the appropriate forum under the Act-whether by invoking Section 91 or any other relevant provision of law."

13. In light of aforesaid exposition of law, it is difficult to hold that Registrar cannot decide issue of disqualification of member.

14. The impugned order passed by Divisional Joint Registrar, Kolhapur depicts that order passed by Assistant Registrar has been quashed and set aside observing that Section 11 does not empower Registrar to declare disqualification of member or he cannot decide whether person is entitled to continue as member or declared such member qualified or disqualified. It is observed by Divisional Joint Registrar that Registrar may record his opinion as to whether person is agriculturist or whether he resides within jurisdiction of Society or whether he falls in one of category contemplated under Section 22(1A)

of MCS Act, 1960 or whether he has incurred disqualification. However, that power cannot extend to declare him as disqualified.

15. *Prima facie*, aforesaid observations are contrary to scheme of Maharashtra Co-operation Societies Act, 1960. Conjoint reading of Section 11 and sub-section (1B) of Section 22 clearly depicts that Registrar is empowered to delve into enquiry as to disqualification of person to be member of Society and upon such decision, Registrar or person not below rank of District Deputy Registrar can pass further order to remove such person from membership of Society and after expiration of period of one month from date of receipt of such order, person shall cease to be member of Society.

16. In that view of matter, this Court holds that Registrar has ample power to rule upon disqualification of member, so also he has power to direct removal of such member. However, enquiry under Section 11 of MCS Act, 1960 shall be confined to the extent of determining limited question of fact as to whether person is an agriculturist or resident within Society's area of operation and is engaged in carrying on business in that area. The Registrar cannot embark upon enquiry of validity of meeting of Society or its Resolution while admitting members.

17. In light of aforesaid observations, this Court holds that order passed by respondent no.2-Divisional Joint Registrar cannot be sustained in law. Hence, following order:

ORDER

- a. Writ Petition is allowed.
- b. The impugned order dated 23.05.2025 passed by respondent no.2-Divisional Joint Registrar, Kolhapur in Appeal No.206/2024, is hereby quashed and set aside.
- c. The matter is relegated back to respondent no.2-Divisional Joint Registrar to pass further order on merit on contentions raised by parties in light of observations made in this order.
- d. Parties to appear before respondent no.2-Divisional Joint Registrar on 28.10.2025.
- e. The respondent no.2-Divisional Joint Registrar shall decide Appeal afresh within period of six weeks from date of appearance of parties in light of observations hereinabove.
- f. Parties to co-operate.
- g. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE