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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.688 OF 2025

Dadabhau Nana Jadhav & Anr. … Petitioners

V/s.

Joint Registrar, Cooperative Societies, CIDCO & Ors. … Respondents

WITH
WRIT PETITION (ST.) NO.1201 OF 2025
WITH
INTERIM APPLICATION NO.11289 OF 2025

ATUL GANESH KULKARNI
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Date: 2025.11.25 10:20:54 +0530

Saujanya Coop. Housing Society Limited, through Chairman … Petitioners

V/s.

Joint Registrar, Cooperative Societies, CIDCO & Ors. … Respondents

Mr. Avinash H. Fatangare for the petitioners in Writ Petition No.688 of 2025 & for respondent Nos.7 and 8 in Writ Petition (St.) No.1201 of 2025.

Mr. Mahendra Shingade for the petitioner in Writ Petition (St.) No.1201 of 2025 & for respondent No.6 in Writ Petition No.688 of 2025.

Smt. M.S. Srivastava, AGP for respondent Nos. 1 and 2-State in Writ Petition No.688 of 2025.

Ms. Savina R. Crasto, AGP for respondent Nos. 1 and 2 in Writ Petition (St.) No.1201 of 2025.

Mr. Sumit Kate with Mr. Jenesh Jain i/by Ms. Gargi U. Warunjikar for respondent No.3.

Mr. P.D. Dalvi for respondent Nos.4 and 5.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 24, 2025

P.C.:

Writ Petition No.688 of 2025:

1. The writ petition arises from action taken under Section 75(5) of the Maharashtra Cooperative Societies Act. The petitioners are two members of the managing committee of a housing society. The Registrar held them responsible for the failure of the earlier managing committee to convene the annual general body meetings for the financial years 2021–2022 and 2022–2023. The order fixes individual liability. Such action affects civil consequences. It must rest on proper consideration of the material placed by the persons proceeded against.

2. The petitioners placed their reply before the competent authority. They stated that the managing committee, of which they were part, had passed a resolution calling upon the Secretary to convene the annual general body meeting. They filed a copy of that resolution. They filed a draft notice of the proposed meeting. These documents were placed to show that the petitioners had done what the law expected of them. Their case was that the Secretary did not act despite being called upon to do so.

3. I have examined the orders of the Registrar under Section 75(5) and the order of the revisional authority. The orders do not show that the defence of the petitioners was examined. The authority proceeded on the assumption of collective responsibility without determining the role of each member. The revisional authority confirmed the order against five persons without undertaking this inquiry. Such confirmation cannot stand if

material evidence placed by the parties remains unattended.

4. In view of the judgment in *Kailash Maheshwari and Others versus State of Maharashtra, Writ Petition No. 10857 of 2025 decided on 25 September 2025*, the authority exercising power under Section 75(5) must consider whether the members of the managing committee had reasonable cause. The authority must determine whether the committee had taken steps within its power to convene the meeting. If the committee had passed a resolution and directed the Secretary to convene the meeting, then the authority must record its finding on this aspect. This statutory duty cannot be avoided.

5. The orders dated 31 July 2024 passed by the Registrar and 2 December 2024 passed by the revisional authority suffer from non-consideration of the defence raised by the petitioners. These orders are therefore set aside.

6. The Deputy Registrar, Cooperative Societies, CIDCO, Navi Mumbai shall provide a fresh hearing to all concerned. The Deputy Registrar shall consider the material placed on record and decide the matter afresh.

7. The parties shall appear before the Deputy Registrar on 1 December 2025. The Deputy Registrar shall thereafter grant due opportunity of hearing to all sides and pass a reasoned order within eight weeks of their appearance.

8. The challenge to the order passed under Section 77A has been raised only by two members of a seven-member managing committee. Such challenge cannot be entertained at the instance of

only two members when the order concerns the entire committee.

9. The petitioners are free to pursue statutory remedies available to them under law.

10. The writ petition stands disposed of in these terms. No order as to costs.

11. With disposal of the petition, any interim relief earlier granted comes to an end.

Writ Petition (St.) No.1201 of 2025 & IA:

12. The present writ petition has been filed by the society to challenge the orders dated 31 July 2024 passed by the Registrar and 2 December 2024 passed by the revisional authority. These orders pertain to proceedings under Section 75(5) of the Maharashtra Cooperative Societies Act. The orders deal with the question of responsibility of the managing committee and the consequences that follow. The challenge therefore concerns the affairs of individual office bearers and not the legal rights of the society as a separate body.

13. Section 75(5) relates to the disqualification of members of the managing committee. Such disqualification affects the individuals who form the committee. It does not affect the society as a juristic entity. The society can invoke writ jurisdiction only when its independent rights stand prejudiced. In matters of disqualification of committee members and appointment of an Administrator under the Act, the persons aggrieved are the individual members who face disqualification or removal. The

society must maintain neutrality in such internal disputes. The law expects that where an order concerns the conduct or eligibility of committee members, the aggrieved persons alone must take recourse to statutory remedies.

14. In these circumstances, the writ petition filed at the instance of the society does not merit consideration. The society has not shown any prejudice to its own legal rights. The petition is therefore not maintainable. It stands disposed of accordingly.

15. All pending interim applications stand disposed of as infructuous.

(AMIT BORKAR, J.)