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

## CIVIL WRIT PETITION NO. 6060 OF 2024

Ashish Co-op. Housing Society Ltd. & Anr. ..Petitioners
Versus
The State of Maharashtra & Ors. ..Respondents

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Ms. Lucy Massey a/w. Raashid Zaffar, Vinod Sampat, Sheetal Gupta and Amita Cannel for Petitioners.

Mrs. V. S. Nimbalkar, AGP for State/ Respondent Nos.1 to 4.

Mr. Kirit Hakani a/w. Rahul Hakani, Niyati Hakani, Bhavana Ahire, Pratishtha Shukla and Priyanka Singh for Respondent No.5.

Mr. Satish kamat for Respondent No.6.

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**CORAM : AMIT BORKAR, J.**
**DATE : 24 NOVEMBER 2025**

**PC :**

1. The petitioners place before this Court a challenge to the order of the Revisional Authority that affirms the cancellation of the registration of the petitioner society. The Revisional Authority has accepted the view of the Divisional Joint Registrar that the proposal for registration suffered from non submission of essential documents and that no notice was given to the owner. The record shows that these findings go to the root of the decision to cancel registration. When an authority records that the proposal is

VINOD BHASKAR GOKHALE
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deficient, it must first satisfy itself whether such deficiencies can be cured. The law does not permit an authority to end the process without examining the proposal on its merits.

2. A close reading of the impugned orders shows that the registration has been cancelled only on the ground of non compliance with the conditions of registration. Once the authority reaches such a finding, the correct course is to place the proposal back before the original authority for scrutiny on merits. The Act contemplates a progressive consideration of a proposal. It does not permit abrupt termination. By cancelling the registration outright, the authorities have foreclosed further inquiry and denied the petitioners a fair opportunity.

3. In these circumstances, I find it appropriate and necessary that the matter be remitted to the first authority, namely the Deputy Registrar, Co operative Societies, L Ward. He shall give a full opportunity of hearing to all concerned. He shall then decide the proposal of Petitioner No. 2 on its own merit.

4. The presence of the parties is required before the Deputy Registrar on 01 December 2025 at 10:30 a.m.

5. The Deputy Registrar shall conclude the proceedings within a period of three months from the date the parties appear before him. He shall record his satisfaction regarding compliance of the statutory conditions for registration.

6. At this stage, learned counsel for Respondent No. 5 raises an objection to the jurisdiction of the Deputy Registrar. According to him, the subject matter falls within the jurisdiction of the Assistant Registrar of the Slum Rehabilitation Authority.

7. The Deputy Registrar shall therefore examine the objection as a preliminary issue. He shall consider the statutory scheme. He shall determine which authority under the Act is empowered to decide a proposal of this nature. He shall then pass an order on the preliminary issue.

8. If the Deputy Registrar concludes that the power to consider the proposal lies with the Assistant Registrar of the Slum Rehabilitation Authority, he shall forward the proposal of Petitioner No. 2 to the competent authority.

9. The Petition stands disposed of.

**(AMIT BORKAR, J.)**