

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12006 OF 2023

Lokshahir Annabhau Sathe Magaswargiy
Coop. Housing Society Ltd., & Anr. ... Petitioners
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.26 OF 2024
IN
WRIT PETITION NO.12006 OF 2023

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Sankalp Nagari Association of
Apartment, ... Applicant
In the matter between
Lokshahir Annabhau Sathe Magaswargiy
Coop. Housing Society Ltd., & Anr. ... Petitioners
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO.12208 OF 2023

Suresh Vishwanath Shelar ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1404 OF 2024
IN
WRIT PETITION NO.12208 OF 2023

Sankalp Nagari Association of
Apartment, ... Applicant
In the matter between
Suresh Vishwanath Shelar ... Petitioners
V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Suhas S. Deokar with Mr. Tanmay M. Shembavanekar for the petitioner in WP/12006/2023.

Mr. Hemant Ghadigaonkar with Mr. Sandesh More for the petitioner in WP/12008/2023.

Mr. Vaibhav Ugle for the intervener/applicant in both the IAs.

Ms. Savina R. Crasto, AGP for respondent Nos.1 to 3-State in WP/12006/2023.

Mr. P.V. Nelsonrajan, AGP for respondent Nos.1 to 3 – State in WP/12008/2023.

Mr. Anil Anturkar, Senior Advocate i/by Mr. Sumant Deshpande for respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 16, 2025

P.C.:

1. As both sides agree that no detailed reasons are required, this order is passed accordingly.

2. These writ petitions under Article 226 of the Constitution of India are filed by a cooperative society and one of its members. They challenge the orders passed by the Revisional Authority which set aside the orders dated 13 December 2022 and 1 August 2022. These earlier orders were passed by the Divisional Joint Registrar and the Joint Registrar respectively, reviving the society on a proposal filed by the Liquidator under Section 105-O of the Maharashtra Cooperative Societies Act, 1960.

3. The material facts are as follows. The property concerned was owned by Trinity Town Development Finance Limited. The owner executed two agreements to sell the said property in favour

of the petitioner-society. Later, a supplementary agreement was executed extending the time for executing the sale deed. The revision applicant was a consenting party to these agreements.

4. On the basis of these agreements, the petitioner-society was first registered in respect of Survey No.14. Subsequently, by an order dated 25 May 2004, the registration came to be made in respect of Survey No.82/2/2.

5. Later, proceedings for liquidation of the society were initiated. An interim order of liquidation was passed. Thereafter, the Registrar, upon examining the situation, decided to revive the society and accordingly passed an order of revival in relation to Survey No.82/2/2. That order was challenged in appeal, which came to be dismissed. However, in revision, the Revisional Authority set aside the order of revival. Aggrieved by that decision, the society and a person claiming to be a member have filed these writ petitions.

6. Learned Senior Advocate Mr. Anturkar appearing for the revision applicant submitted that his client has no objection to the revival of the society as such. His limited objection is regarding the interpretation of the order of revival. He submitted that the order of revival of the society should not be construed as conferring or extinguishing any right, title, or interest in the property bearing Survey No.82/2/2. According to him, the Registrar, while exercising powers under Section 105-O of the Act, can only decide whether the society deserves to be revived or not. Such an order cannot determine ownership or property rights. Therefore, the

revision was filed only to protect against any possible interpretation that the order of revival would affect the property rights of the revision applicant. He submitted that if such clarification is issued, the purpose of filing the revision would stand served.

7. On perusal of the record and considering the statement made by the learned Senior Advocate, it appears that there is no dispute about the revival of the society itself. The only issue is to ensure that the order of revival does not create or affect any property rights.

8. It is accordingly clarified that the order of revival of the petitioner-society shall not be treated as creating any new right, title, or interest in the property in Survey No.82/2/2. The revival merely restores the legal status of the society. It does not determine or alter ownership or proprietary rights in the said land. Such issues, if any, must be decided by a competent civil court on evidence.

9. Since the orders of the Appellate and First Authorities are being confirmed, and the revision applicant has conceded that the society's revival is not objected to, no further adjudication is required.

10. Hence order the Revisional Authority is set aside and the earlier order of revival dated 13 December 2022 and 1 August 2022 stand revived.

11. With above clarification, both writ petitions stand disposed of.

12. As a natural consequence, all pending interim applications stand disposed of as infructuous.

13. Both parties are granted liberty to initiate independent civil proceedings to establish their respective rights in accordance with law.

14. In view of this, all pending interim applications stand disposed of.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 27 November 2025 to correct writ petition number in the cause-title.