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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.704 OF 2025

VAIBHAV
RAMESH
JADHAV

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Shivbahadur Yadav

... Petitioner

V/s.

The State of Maharashtra,
Through Its Department of Co-operation
& Ors.

... Respondents

Mr. Vijay Patil, Senior Advocate i/by Mr. Yogesh Patil
for the petitioner.

Mr. Bapusaheb B. Dahiphale, AGP for the State-
respondent Nos.1 to 3.

Mr. Uday P. Warunjikar for respondent Nos.4 to 7.

CORAM : AMIT BORKAR, J.

DATED : APRIL 22, 2025

P.C.:

1. The petitioner has approached this Court under Article 226 of the Constitution of India, laying challenge to an order, passed by the Revisional Authority in exercise of powers purportedly under Section 154 of the Maharashtra Cooperative Societies Act, 1960 (hereinafter referred to as "the MCS Act"). By the said order, the Revisional Authority has set aside the show-cause notice issued by the Registrar in exercise of his powers under sub-section (5) of Section 75 of the MCS Act, calling upon the Managing Committee to explain its failure to hold the annual general body meeting

within the time stipulated under the Act.

2. It is to be noted that the scheme of the MCS Act is to regulate and ensure the democratic functioning of cooperative societies. Section 75(5) of the Act is couched in mandatory terms and casts a statutory obligation upon the committee to convene the annual general body meeting within a prescribed period. Non-compliance therewith invites intervention by the Registrar to initiate corrective action. The issuance of a show-cause notice under Section 75(5) is, in essence, an administrative step for initiating supervisory action—not a determination of rights inter se the parties nor an adjudication of rival contentions. Therefore, it cannot be equated with a quasi-judicial "decision or order" contemplated under Section 154 of the MCS Act.

3. This legal position now stands authoritatively settled by the pronouncement of this Court in *Dattatraya Mahadev Ugale & Ors. v. The State of Maharashtra & Ors.* [Writ Petition No. 3500 of 2024, decided on 10 May 2024], wherein it was held that the expression “decision or order” employed in Section 154 of the MCS Act must be construed in a restrictive manner so as to exclude administrative or preliminary steps taken in aid of statutory compliance. A show-cause notice issued under Section 75(5), being interlocutory and administrative in character, cannot form the subject matter of a revision under Section 154. The Revisional Authority, therefore, travelled beyond jurisdiction in entertaining and allowing the said revision. The impugned order is clearly vitiated on the ground of want of jurisdiction.

4. As regards the objection raised by the learned counsel for respondent Nos. 4 to 7, it is urged that the petitioner has no locus to maintain the present writ petition since he was not impleaded as a party to the revision proceedings. The submission, though seemingly technical, is without substance. A bare perusal of the record indicates that the petitioner, in his capacity as Secretary of the Society, had intervened and actively participated in the proceedings before the Revisional Authority. Moreover, the proceedings in revision pertain to the internal governance of the Society, specifically the power of the Registrar to oversee the functioning of its committee under Section 75(5). In such circumstances, the petitioner, being a responsible office-bearer and functionary under the bye-laws, cannot be said to be a rank outsider. The maintainability of the writ petition, therefore, is beyond pale of doubt and the objection raised is accordingly repelled.

5. A writ Court exercising constitutional jurisdiction under Article 226 is not to countenance an order passed without authority of law. The impugned order of the Revisional Authority suffers from patent want of jurisdiction and is, therefore, liable to be quashed.

6. Accordingly, the writ petition is allowed. The impugned order passed by the Revisional Authority is hereby quashed and set aside. The rule is made absolute in terms of prayer clause (a).

7. Consequently, the show-cause notice issued under Section 75(5) of the MCS Act stands revived.

8. No order as to costs.
9. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)