

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

CIVIL WRIT PETITION NO. 6657 OF 2024

Shree Geeta Sahakari Gruha Rachana
Sanstha Maryadit

..Petitioner

Versus

The Honble State Minister for Cooperation
Marketing and Textiles & Ors

..Respondents

Mr. Sitesh Sharma a/w. _____
Nitesh Sancheti and Vijay Upadhyay for
Petitioner.

Mr. P. V. Nelson Rajan, AGP for State/ Respondent Nos.1 to 3.

Mr. Sangram Chinnappa a/w. Bhoomika Vyas for Respondent No.4.

CORAM : AMIT BORKAR, J.

DATE : 18 NOVEMBER 2025

PC :

1. This petition questions the orders passed by the authorities under Section 18 of the Maharashtra Cooperative Societies Act. These orders have resulted in the division of the petitioner society and Respondent No. 4 society.

2. The relevant facts are stated below.

3. The petitioner society was registered in 1981. The construction of its buildings was completed in 1979 and 1980. The society has two buildings. Building A has 12 tenements. Building B has 18 tenements. The premises also include an outhouse, open

space, and a transformer area.

4. On 22 July 2018, a general body meeting of 28 members took place. In that meeting, the members resolved to undertake redevelopment of both buildings. On 4 February 2021, the residents of Building A filed an application under Section 18 of the Act. The Deputy Registrar allowed this application by his judgment dated 25 January 2022. The petitioner challenged this order by filing Appeal No. 29 of 2022. The Appellate Authority allowed the appeal and set aside the order dated 25 January 2022. Respondent No. 4 then filed a revision. The State Government allowed the revision and restored the Deputy Registrar's order directing division under Section 18 of the Act.

5. I have examined the orders passed by both authorities. The reasoning recorded in support of the bifurcation rests mainly on the existence of a common entrance, a common drainage system, and a common open area. These factors by themselves cannot form the sole basis for an order under Section 18. The power of division affects the structure and functioning of a cooperative society. It must therefore be exercised with care and in accordance with the guiding principles laid down by this Court. In the present case, the authorities have not applied the parameters set out by this Court in *Abdul Rehman Adam Dawa versus District Deputy Registrar*, decided on 11 November 2025. That decision explains the conditions that must be satisfied before a division can

be directed. The failure to consider those parameters has vitiated the exercise of jurisdiction.

6. In view of this legal position, the orders passed by the authorities cannot stand. It would be proper and just to set them aside and remit the proceedings to the Deputy Registrar. The proposal filed under Section 18 must be examined afresh. The Deputy Registrar must apply his mind to the material on record and assess the proposal in the light of the law declared by this Court.

7. The Deputy Registrar shall reconsider the proposal of Respondent No. 4 in accordance with the observations and findings recorded in *Abdul Rehman Adam Dawa*. He shall determine whether the statutory requirements are met and whether the proposed division serves the object of the Act.

8. The petitioner and Respondent No. 4 shall appear before the Deputy Registrar on 24 November 2025 at 10.30 a.m.

9. The Deputy Registrar shall decide the proposal within three months from the date on which the parties appear before him.

10. The petition stands disposed of.

(AMIT BORKAR, J.)