

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

CIVIL WRIT PETITION NO. 12025 OF 2024

Vijay Nagari Coop. Hsg. Ltd.

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Mahindra Deshmukh for Petitioner.

Mrs. M. P. Thakur, AGP for State/ Respondent Nos.1 & 2.

Mr. Priyansh R. Jain a/w. Shradha and Sagar Shetty for Respondent No.4.

Mr. Vaibhav Ugle i/b. Vikas Somawanshi and Santosh Shukla for Respondent Nos.5 & 6.

CORAM : AMIT BORKAR, J.

DATE : 17 NOVEMBER 2025

PC :

1. The petitioners place before this Court a challenge to the orders dated 9 February 2024 and 21 January 2022. These orders arise from proceedings under Section 22(2) and Section 23(2) of the Maharashtra Cooperative Societies Act. The authorities have directed that membership be conferred on Respondent Nos. 5 and 6. The petitioners contend that such direction affects the autonomy of the society. They submit that the statutory authorities have travelled beyond the scope of the material placed before them. They urge that the decision requires reconsideration in light of the legal principles governing membership disputes under the Act.

2. This Court has already examined the same set of issues in a group of petitions led by Writ Petition No. 9442 of 2024. Those matters involved other individuals whose position is factually and legally similar to Respondent Nos. 5 and 6. The Court, after hearing all sides at length, analysed the relevant byelaws, the factual background, and the statutory powers under Sections 22 and 23. The Court recorded a clear finding that the rights of applicants for membership must be considered in accordance with law. It held that the society cannot take positions that are arbitrary or contrary to the statutory mandate. The petitioners in the present case had advanced the same submissions in those petitions. The Court dealt with each of those contentions and gave a reasoned decision.

3. In view of that adjudication, there remains no independent ground to take a different view here. The present petition stands on the same factual foundation. The legal principles applied in Writ Petition No. 9442 of 2024 squarely govern the present dispute. For these reasons, and to maintain consistency in judicial approach, this petition deserves to be disposed of in the same manner. The clarification recorded in paragraphs 20 and 21 of the judgment dated 8 October 2025 in Writ Petition No. 9442 of 2024 shall apply with equal force to the present petition.

4. The petition therefore stands disposed of in terms of

judgment dated 8 October 2025 in Writ Petition No. 9442 of 2024.

(AMIT BORKAR, J.)