

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

CIVIL WRIT PETITION NO. 17383 OF 2024

Rajmudra Co-op. Hsg. Soc. Ltd.

..Petitioner

Versus

The Divisional Joint Registrar Co-Operative
Societies, C.S., Mumbai.

..Respondents

Mr. Vishal M. Dhamal for Petitioner.

Mr. Bapusaheb Dahiphale, AGP for State/Respondent.

CORAM : AMIT BORKAR, J.

DATE : 28 NOVEMBER 2025

PC :

1. The proceedings arise from an order passed under Section 22(2) of the Maharashtra Cooperative Societies Act. The question is narrow. It concerns the legality of the admission of Respondent No. 3 as a member of the petitioner society.

2. The competent authorities under the Act examined the material placed before them. They conferred membership upon Respondent No. 3. The authorities proceeded on the basis of the registered conveyance placed on record and the compliance with the statutory requirements for admission.

3. The society objects to the admission. The society submits that the vendor of Respondent No. 3 had misappropriated funds of

the society. Hence, according to the society, the vendor could not lawfully execute a deed in favour of Respondent No. 3. The society further asserts that the sale deed is bogus and invalid. I have examined these objections with care. A society cannot enlarge its jurisdiction while deciding an application for membership. The society cannot sit in judgment over allegations of misappropriation that lie outside the scope of Section 22(2). If there is any allegation of misappropriation, the law provides separate remedies. Those remedies must be pursued in the forum competent to adjudicate them.

4. The law is settled. A registered conveyance binds the society. A member who holds rights under a registered instrument is entitled to have the transfer recorded, subject to the limited scrutiny permitted under the Act. Section 22(2) and Section 154B-7 do not permit the society or the authorities to adjudicate questions of title that require detailed evidence. They do not permit the authorities to declare a registered sale deed bogus. Once a valid and subsisting registered instrument is produced, the society must act upon it unless the document stands annulled by a competent court.

5. In this backdrop, the objections raised by the society have no legal foundation. The authorities acted within jurisdiction. Even otherwise, during the pendency of the petition, the society has already admitted Respondent No. 3 as a member. This

subsequent event removes any surviving cause for interference. The writ jurisdiction is discretionary. No ground has been made out to exercise it in favour of the petitioner.

6. The petition therefore stands dismissed. There will be no order as to costs.

(AMIT BORKAR, J.)