

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

CIVIL WRIT PETITION NO. 18918 OF 2024

Ayyappa Co-Op. Housing Societies Ltd. ..Petitioner
Versus
Nidhin Dharmaraj Panikar & Ors. ..Respondents

Ms. Manisha Devkar i/b. Anant Vadgaonkar for Petitioner.
Ms. Meenakshi Gopalakrishnan for Respondent No.1.
Ms. Savita Prabhune, AGP for State/ Respondent Nos.2 to 4.

CORAM : AMIT BORKAR, J.
DATE : 04 DECEMBER 2025

PC :

1. The present petition questions the exercise of statutory power by the competent authorities under the Maharashtra Co operative Societies Act. The grievance of the petitioner society rests on the decision to grant membership to Respondent No.1 and his wife. The Court must see whether the authority acted within the four corners of the Act and whether its decision suffers from any legal infirmity. The dispute does not raise any complex question of title. It concerns only the legality of the act of admitting members.

2. The record shows a clear chain of documents supporting the claim of Respondent No.1 and his wife. They placed before the authority a Will executed by the father, who was an admitted

member of the society. They also relied upon a Gift Deed executed by the husband in favour of the wife. These documents establish their lawful claim. The authority examined the papers and found them in order. There is no material showing suppression or misrepresentation by them. The foundation of their application was sound and supported by documentary evidence that the society never disputed at the relevant time.

3. It also stands admitted that no other person has come forward asserting any competing claim over Shop No. 6 or House No. A 02. When the factual position is undisputed, the authority is bound to consider the application in the light of the governing statute, the bye laws, and the absence of any rival claimant. In such a situation, the authority need not hold any further inquiry into inter se rights. The absence of contest simplifies the scope of scrutiny and supports the decision taken.

4. The first authority recorded a finding that the application was duly received and that the eligibility of Respondent No.1 and his wife was never in genuine dispute. The authorities under the Act examined the record and found that the legal entitlement flowed naturally from the Will and the Gift Deed. The decision to grant membership was based on relevant considerations. There is nothing to show perversity, arbitrariness, or non application of mind. Judicial review does not permit this Court to substitute its view when the authority has acted within its

jurisdiction and on proper material. The view taken is a plausible one. It does not call for correction.

5. In these circumstances, interference is unwarranted. The authority acted according to law. The petitioner has not demonstrated any violation of statutory provision or principles of natural justice.

6. The petition therefore fails. It is dismissed.

(AMIT BORKAR, J.)