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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13995 OF 2023

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Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1570 OF 2024
IN
WRIT PETITION NO.13995 OF 2023

Mahesh Vallabhadas Soni ... Applicant
In the matter between
Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO.13996 OF 2023

Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1539 OF 2024
IN
WRIT PETITION NO.13996 OF 2023

Nagina D. Mehta ... Applicant
In the matter between
Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO.14005 OF 2023

Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1566 OF 2024
IN
WRIT PETITION NO.14005 OF 2023

Harshad Ratilal Katrodia ... Applicant
In the matter between
Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO.14006 OF 2023

Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1567 OF 2024
IN
WRIT PETITION NO.14006 OF 2023

Mahesh Vallabhdas Soni ... Applicant
In the matter between
Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO.14008 OF 2023

Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner

V/s.
State of Maharashtra & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1571 OF 2024
IN
WRIT PETITION NO.14008 OF 2023

Manju P Bhandari ... Applicant

In the matter between
Siddharth Borivali Cooperative
Housing Society Limited ... Petitioner

V/s.
State of Maharashtra & Ors. ... Respondents

Mr. Rajshekhar Govilkar with Shaba Khan, Abhishek Avate, Ms. Chaula Solanki, H.H. Nagi i/by Nagi & Associates for the petitioner.

Smt. M.P. Thakur, AGP for State in WP/13995/2023 & 13996/2023 & 14008/2023.

Mrs. V.S. Nimbalkar, AGP for State in WP/14006/2023.

Mr. R.S. Pawar, AGP for State in WP/14005/2023.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 12, 2025

P.C.:

1. These writ petitions arise from the same set of facts. Hence, they are being decided together by this common order.

2. **Rule.** By consent of the parties, the rule is made returnable forthwith.

3. The relevant facts are these. Respondent No.4 in each petition submitted an application on 13 July 2023. They sought

permission from the society to change the user of their premises from residential to commercial.

4. The society refused to grant permission. Respondent No.4 then approached the Deputy Registrar and sought a direction against the society to allow the change of user. By order dated 5 September 2023, the Deputy Registrar rejected the application. Aggrieved by this rejection, respondent No.4 filed a revision.

5. The Revisional Authority, by the order impugned in these petitions, directed the society to issue a no objection certificate within seven days so that respondent No.4 may submit a proposal for change of user. The order further states that if the society fails to issue the no objection within the stipulated time, the order of the Divisional Joint Registrar shall itself be treated as the no objection.

6. The Revisional Authority appears to have exercised powers under Section 154B-27. It reads as follows.

“154B-27. Obligation of society to take action and Registrar’s powers to enforce.— (1) If any society is required to take action for performance of its obligations, responsibilities and duties as provided in this Act, rules and bye-laws or to execute the orders issued by the State Government or by the Registrar, from time to time, and such actions are not taken or such orders are not executed, the Registrar suo motu or on an application may issue directions to take such action or actions or execute such orders.

(2) Where any society is required to take any action or to execute the orders as provided in the foregoing sub-section and such action is not taken or orders are not executed,—

(i) within the time provided in this Act, rules or the bye-laws or in the order, as the case may be ;

(ii) where no time is provided, within such time having regard to the nature and extent of the action to be taken as the Registrar may specify by notice in writing,

the Registrar may himself or through a person authorized by him take such action or execute such order at the expense of the society and such expenses shall be recoverable from the responsible officer of the society as if it were arrears of land revenue :

Provided that, before issuing an order or direction and fixing the responsibility of payment of expenses an opportunity of being heard shall be given to the officer of society to whom the Registrar considers to be responsible for not taking such action or not executing such orders.

(3) The application submitted by a Member to the society for the certificate or certificates for sale of his flat or mortgaging it for obtaining loan or for any other purpose shall be decided by the society within a period of thirty days from the date of receipt of such application and decision thereon shall be intimated to him within a period of fifteen days. If society fails to decide and intimate such application within such time or if such application is rejected, the Member may file appeal to the Registrar for appropriate relief within a period of three months from date of submission of application to the society or within a period of two months from the date of decision of rejection by society, whichever is earlier :

Provided that, every such appeal shall be disposed of by the Registrar within a period of sixty days from the date of its receipt after giving opportunity of being heard to all the parties.”

7. On perusal of the said provision, it is evident that the said provision provides that when the Act, Rules, bye laws, or any order issued by the State Government or the Registrar requires a society to take a particular action, the society must carry out that action. If the society does not act, the Registrar may either on his own or on an application issue directions and require the society to take such action.

8. If the society still fails to take the required action within the time given under the Act, Rules, bye laws, or the order, or within the time fixed by the Registrar, then the Registrar may himself take the necessary action. He may also authorize another person to do so. The expenditure incurred for such action will be recovered from the defaulting officer of the society as arrears of land revenue. Before fixing such responsibility, the Registrar must give an opportunity of hearing to the concerned officer.

9. Further, when a member applies to the society for any certificate required for sale or mortgage of his flat or for any other similar purpose, the society must take a decision within thirty days and communicate it within fifteen days. If the society fails to decide or communicates rejection beyond this period, the member has a right to appeal before the Registrar. The appeal must be filed within three months from the date of application, or within two months from communication of rejection, whichever is earlier. The Registrar must decide such appeal within sixty days after giving hearing to all parties.

10. The expression “for any other purpose” appearing in Section 154B-27(3) cannot be detached from the context in which the legislature has placed it. The legislature first refers to a certificate required for sale of a flat, then to a certificate required for mortgaging it for obtaining a loan. These are specific and well defined situations. Both relate to the member’s lawful dealing with his property and to the need of a certificate from the society in that process.

11. The words “for any other purpose” follow these specific situations. They must therefore be read in the same line. They include only those purposes where a member seeks a certificate or permission from the society in respect of his flat, based upon an obligation which arises under the Act, the Rules, or the bye laws. The provision does not give a blanket authority to seek certificates for every conceivable purpose. The action must have a nexus with the rights and liabilities of a member under co operative law and with the duties of the society towards its members.

12. When the legislature intended to empower the member to approach the Registrar, it ensured that the society does not delay or obstruct a genuine request. At the same time, the scope of the expression cannot be stretched to compel the society to issue certificates in matters which fall outside the cooperative framework. Therefore, “for any other purpose” must be interpreted as any other legally permissible purpose of a similar nature which requires issuance of a certificate relating to the member’s flat, and which arises from the governing statutory provisions or bye laws.

13. This interpretation gives effect to the legislative intent. It protects the right of the member. It ensures that the society performs its statutory duty within a fixed time. It also maintains the balance, so that the society is not compelled to act in matters beyond its authority.

14. Similar view is taken by this Court in the case of *Oberoip Springs CHS Limited vs. Deputy Registrar, Cooperative Societies* in Writ Petition No.6591 of 2025 decided on 10 November 2025.

15. In my opinion, therefore, the order passed by the Joint Registrar by invoking revisional powers cannot stand.

16. The jurisdiction of the Revisional Authority is limited by the statute. The power can be used only to examine the legality and propriety of an order passed by a subordinate authority. It cannot be used to substitute the Registrar in the role of the managing committee of a society. It cannot be used to grant substantive relief which the statute does not contemplate.

17. Here, the Revisional Authority directed the society to issue a no objection certificate. Further, it created a deeming fiction that in case of non compliance, the order itself shall operate as a no objection. Such a direction does not flow from Section 154B 27 or from any other provision of the Act. The power to supervise does not include the power to command issuance of such certificates. The Act does not permit the Revisional Authority to step into the shoes of the society and take decisions affecting internal management of property.

18. When jurisdiction is conferred by statute, the authority must act strictly within that boundary. A power not granted cannot be assumed. When an authority acts beyond the four corners of the statute, the action becomes void in law.

19. For these reasons, I hold that the Joint Registrar exercised power which the law does not confer. The impugned order is therefore without jurisdiction.

20. Hence, rule is made absolute in terms of prayer clause (b) in each writ petition.

21. All pending interim applications stand disposed of as infructuous.

(AMIT BORKAR, J.)