

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.860 OF 2025

Tanaji Deogirikar and others	Petitioners
versus	
The Assistant Registrar, Co-op.Societies and others	Respondents

Mr.Nitin P.Deshpande, Advocate for Petitioners.
Mrs.V.S.Nimbalkar, AGP, for Respondents 1 to 4 State.

CORAM : AMIT BORKAR, J.

DATE : 6th March 2025

PC :

1. This petition, under the aegis of Article 226 of the Constitution of India, calls into question the legality and propriety of an order passed by the Divisional Joint Registrar in exercise of powers under Section 154 of the Maharashtra Co-operative Societies Act, 1960 ("the Act"). By the impugned order, the Divisional Joint Registrar has set aside an earlier order of liquidation in respect of Respondent No.2-Society.

2. It is borne from the record that the land originally belonged to Respondent No.5-Society. Owing to certain breaches of conditions, the Collector ordered resumption of the said land and subsequently allotted it to the Petitioners. The Petitioners have approached this Court asserting that any order reviving the Society (Respondent No.2) would prejudice the

rights and interests of the Petitioners in the subject land, especially in light of the pending proceedings challenging the Collector's order of resumption.

3. The Petitioners contend that they are valid allottees of the resumed land and are vitally affected by any proceedings that seek to question, modify, or nullify the earlier order of liquidation. They apprehend that the setting aside of the liquidation order and the consequent revival of Respondent No.2-Society would place the Society in a position to dispute or dilute the Petitioners' title and possession over the land in question, rendering them vulnerable to further litigation or to the Society's potential claims. Relying on the principle that a person likely to be adversely affected by an administrative or quasi-judicial decision must have an opportunity to be heard, the Petitioners submit that they fall within the zone of influence of the impugned order. They maintain that the Divisional Joint Registrar erred in not considering the impact of the revival on the Petitioners' interests.

4. At the fulcrum of this dispute is Section 154 of the Maharashtra Co-operative Societies Act, 1960, which empowers the Divisional Joint Registrar to exercise revisional jurisdiction in suitable cases. The scheme of the Act, more particularly the provisions relating to liquidation, envisages that only certain categories of persons, namely the Managing Committee and/or the Members of the Co-operative Society, are bestowed the right to challenge an order of liquidation.

5. The power of revision under Section 154 is primarily meant to rectify erroneous decisions affecting the internal affairs of the co-operative societies or the rights of its members/office-bearers. Third parties, not being members or part of the management, cannot ordinarily invoke these provisions unless they demonstrate a direct and immediate legal injury recognized under the Act. This principle finds resonance in that the right to challenge decisions under the Co-operative Societies Act is closely tied to membership or official capacity in the Society. Persons who do not fit this statutory contour of interest cannot maintain a challenge to the order passed by the Registrar, even if they have some remote or indirect interest in the Society's assets.

6. In the instant case, the Petitioners claim rights over the land by virtue of allotment from the State upon resumption. However, such a claim does not ipso facto confer on them a right to intervene in the internal disputes of the Society, or to challenge the revival of the Society through the mechanism of Section 154. Their remedy, if any, lies in defending their rights flowing from the allotment order, which can be tested independently in proceedings that directly concern the validity of the resumption.

7. It is an established proposition that the essence of locus standi lies in one's recognition under the statute. The Maharashtra Co-operative Societies Act, 1960, in its Part concerning liquidation, unequivocally restricts the right to

appeal or to assail such proceedings to the Society itself or its members/office-bearers. Where a petitioner does not fall within these categories, nor is it shown that they represent or hold membership in the Society, the law does not confer upon them the standing to challenge an order of liquidation or its subsequent reversal.

8. While this Court does not lose sight of the fact that the Petitioners are in possession of or claim an interest in the property, it is equally imperative to note that any challenge they may wish to mount against the Society's claim over the land is to be agitated in the pending proceedings regarding the resumption order, which remains sub judice. An order merely reviving the Society by setting aside its liquidation does not, in and of itself, extinguish or diminish the Petitioners' right to defend the legality of their allotment or the Collector's resumption order.

9. The courts cannot expand the scope of a statutory right of appeal or revision beyond the explicit language of the law. Thus, in view of the unequivocal legislative framework, the Petitioners' invocation of Article 226 of the Constitution does not override the fundamental requirement that the person challenging the Registrar's order must be an entity recognized under the Act.

10. Having considered the submissions, the statutory scheme, and the legal precedents, this Court finds that the Petitioners lack locus standi to impugn the Divisional Joint Registrar's order

passed under Section 154 of the Act. As has been clarified hereinabove, their interests in the subject land, if any, are amply safeguarded by their right to defend the resumption order before the appropriate forum and to resist any adverse claims that may arise consequent to such revival.

11. Further, it is clarified that the dismissal of this petition on grounds of locus standi does not in any manner prejudice the Petitioners' entitlement or right to defend the validity of the Collector's order of resumption. Their claim to the land may be adjudicated on its own merits in the pending proceedings.

12. Consequently, for want of locus, this Court is not inclined to entertain the present petition. The petition is, therefore, dismissed with no order as to costs.

(AMIT BORKAR, J.)

MST