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

WRIT PETITION NO.2001 OF 2025

Noor Kabirdin Meghani

... Petitioner

V/s.

The Divisional Joint Registrar,
Coop. Societies & Ors.

... Respondents

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Mr. H.R. Pawar for the petitioner.

Mr. S.L. Babar, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 13, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. By this writ petition under Article 227 of the Constitution of India, the petitioner is challenging orders passed by the Authorities under the Maharashtra Cooperative Societies Act, 1960, whereby in exercise of power under Section 154B-27(1), the Registrar has directed housing society to cancel membership of the petitioner on the ground that no document conferring ownership on the petitioner was produced before the society, and the society illegally conferred membership on the petitioner.
3. However, on perusal of the record it appears that Flat No.B-62 was owned by Kabirdin and Rameez. Kabirdin died on 23 January 2006, leaving behind one Karim (son) and Zahra (daughter) as heirs and legal representatives. Based on registered

release deed dated 30 December 2022 executed by Karim, Rameez and Zahra in favour of the petitioner, the petitioner was granted membership by the society. Since the heirs and legal representatives of the original owner by registered release deed released their right in favour of the petitioner, the Registrar could not have directed cancelation of membership of the petitioner.

4. Moreover, only power available with the Registrar to adjudicate upon the legality of membership is under Section 154B-9 of the MCS Act. However, the Registrar has exercised purported power under Section 154B-27(1) which order is ex facie without jurisdiction.

5. Hence, rule is made absolute in terms of prayer clauses (b), (c), and (d).

6. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)