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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2010 OF 2025

Karim-ul-Haq Kabirdin Meghani & Anr. ... Petitioners

V/s.

The Divisional Joint Registrar of
Cooperative Societies & Ors. ... Respondents

Mr. H.R. Pawar for the petitioner.

Dr. Dhruti Kapadia, AGP for respondent Nos.1, 2, and
5-State.

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CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 17, 2025

P.C.:

1. Despite service, respondent No.4 failed to remain present.
2. **Rule.** Rule is made returnable forthwith.
3. The petition arises under Article 227 of the Constitution. The challenge is to the order of the Registrar made under Section 154B-27 of the Maharashtra Cooperative Societies Act. The Registrar has directed the society to cancel the changed priority between the petitioners in the society records. He has further directed cancellation of the membership of the petitioners in respect of Unit B-61. The power under Section 154B-27 is supervisory. It calls for careful exercise, since it affects civil rights of members. The Court must examine whether the Registrar acted within the limits of his authority and whether any legal foundation existed for the directions issued.

4. The material on record shows that the petitioners hold Flat No. B-61 jointly. In the records of the society, petitioner No.2 stood at Serial No.1 and petitioner No.1 stood at Serial No.2. Petitioner No.2 gave an indemnity letter dated 6 May 2023. On that basis, petitioner No.2 requested the society to correct the order of names by placing petitioner No.1 at Serial No.1. The correction did not create a new right. It only reflected the mutual arrangement between two admitted joint owners.

5. There is no dispute about their joint ownership of Flat No. B-61. When the ownership is joint and undisputed, alteration of serial priority between such co-owners does not offend any provision of the Act. The law recognises the right of joint owners to settle among themselves the order in which their names appear for society records. The restriction applies only when a person who is not an owner seeks to place his name at Serial No.1 and thereby claims rights which belong only to an owner. Such concerns do not arise here. There is no allegation that petitioner No.1 lacks ownership or that any third-party rights are affected. Chapter XIII of the Act deals with membership, voting rights, and allied matters. Nothing in that Chapter prohibits two lawful co-owners from interchanging their priority. In such a situation, the Registrar had no basis to direct removal of the petitioners from membership. His action travels beyond the statute.

6. The facts leave no doubt that the Registrar acted without justification. His order lacks legal support and disturbs settled rights of the petitioners without any statutory ground. The interference was unwarranted. The writ petition therefore deserves

to succeed.

7. Rule is made absolute in terms of prayer clauses (b) and (d).

8. No costs.

(AMIT BORKAR, J.)