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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2755 OF 2025

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Shashivadana Santoshkumar Shetty ... Petitioner

V/s.

The Divisional Joint Registrar,
Cooperative Societies, Mumbai & Ors. ... Respondents

Mr. Shamrao B. Gore for the petitioner.

Mr. S.D. Rayrikar, AGP for respondent Nos.1 and 2-
State.

Mr. Drupad S. Patil with Mr. Ankur Kalal for respondent
Nos.3 to 10.

CORAM : AMIT BORKAR, J.

DATED : MARCH 5, 2025

P.C.:

1. The challenge in this writ petition is to an order dated 3rd July 2024, passed by the Divisional Joint Registrar. By the impugned order, the Divisional Joint Registrar set aside the earlier direction of the District Deputy Registrar, whereby an Administrator had been appointed on the Society on the ground that documents sought by the petitioner were allegedly not furnished.

2. It is well settled that an administrative authority exercising powers under the relevant statutory framework must act strictly in accordance with the law and follow the procedure mandated

therein. Every action of a statutory authority must be tested on the anvil of the powers conferred and the procedure laid down by the enabling statute. Therefore, where the statutory mechanism provides for the furnishing of certain documents to a member of a society, any appointment of an Administrator must be premised on a clear non-compliance of such requirement, lest the appointment stand invalidated on grounds of procedural irregularity.

3. Upon perusal of the report signed by the Authorized Officer, which is annexed to the writ petition, it is evident that the Society did supply the documents required under Section 154B(8) to the petitioner. This factual position remains unassailed and forms the fulcrum of the present dispute. Once it is established that the statutory requirement of furnishing documents has been duly complied with, the very basis for appointing an Administrator—premiered on non-supply of such documents—ceases to exist. The Divisional Joint Registrar, acting within the contours of the statutory revisionary powers vested in that office, was therefore fully justified in setting aside the District Deputy Registrar's order appointing the Administrator. The orders passed by administrative or quasi-judicial authorities can be quashed if they lack a valid foundation in law or in fact.

4. In light of these settled principles, this Court is of the considered view that the impugned order of the Divisional Joint Registrar suffers from no legal infirmity, and the petitioner has failed to substantiate any ground warranting interference under the writ jurisdiction.

5. In view of the aforesaid discussion, the writ petition stands dismissed as being devoid of merit. No costs. The rule is discharged accordingly.

(AMIT BORKAR, J.)