

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6304 OF 2025

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Murlidhar Cooperative Housing
Society Limited

... Petitioner

V/s.

Divisional Joint Registrar
Of the Cooperative Societies
Konkan Division & Ors.

... Respondents

Mr. Prashant P Kulkarni for petitioner.

Mrs. Vaishali Nimbalkar, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2025

P.C.:

1. Issue notice to the respondents, returnable on **31st July 2025**.
2. At the interim stage, having regard to the pleadings and documents placed on record, it appears that the petition challenges an order passed under Section 154 of the Maharashtra Cooperative Societies Act, **1960** (hereinafter referred to as "*the said Act*"). The substratum of the grievance is the interference by the Registrar in the process of redevelopment approved by the General Body of the Society.
3. The role of the Registrar under Section 79 of the said Act is essentially supervisory and administrative in nature, and not

adjudicatory. The said provision is not a repository of quasi-judicial authority to sit in judgment over decisions taken by the General Body, unless such decisions are demonstrably vitiated by gross procedural impropriety, lack of jurisdiction, or are contrary to statutory prescriptions. The Registrar cannot, under the guise of exercising power under Section 154, nullify or override a democratic and procedurally valid resolution passed by the sovereign body of the Society, namely, its General Body.

4. The impugned decision relates to the appointment of a developer for redevelopment of the Society premises—a matter which falls squarely within the domain of the General Body.

5. In the present case, the General Body, by an overwhelming majority, has approved the appointment of a developer. Such decision, unless marred by allegations of fraud, collusion, or violation of principles of transparency and equity, is entitled to respect and deference. The subsequent approval granted by the Registrar, as mandated under Government guidelines framed in exercise of powers under Section 79A of the said Act, is administrative in character and procedural in essence. It is neither determinative of rights nor does it partake the attributes of a quasi-judicial determination.

6. Further, the scheme of the Act envisages that where members of a Society are aggrieved by any such decision of the Society or its General Body, the appropriate remedy lies under Section 91 of the said Act, which provides for reference of disputes touching the constitution, management, or business of the Society

to the Cooperative Court. The power under Section 154 cannot be converted into a parallel adjudicatory mechanism to settle such inter se disputes.

7. The impugned order of interference by the Registrar is, therefore, prima facie without jurisdiction. It has the effect of diluting the autonomy of the General Body and frustrating the object and spirit of the cooperative movement as envisaged under the Act.

8. In view of the above prima facie observations, and to prevent further complications in the redevelopment process which has already received democratic endorsement, this Court finds it appropriate to protect the status quo. Accordingly, there shall be ad-interim relief in terms of prayer clause (b) of the petition, until further orders.

(AMIT BORKAR, J.)