

Shabnoor

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

WRIT PETITION NO.6591 OF 2025

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Oberoï Springs Cooperative Housing
Society Ltd.

... Petitioner

V/s.

The Deputy Registrar,
Cooperative Society & Ors.

... Respondents

Mr. Abhishek Sawant a/w Vaishali Sanghavi, Vidhi Porwal,
Ameet Mehta i/b M/s. Solicis Lex, for the petitioner.

Mr. P. V. Nelson Rajan, AGP, for the State – respondent No.1.

Mr. Kunal Bhanage, Mr. Akshay Pawar a/w Sonal Mishal,
Azeem Abdul, for respondent Nos.3 to 6.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 10, 2025

P.C.:

- 1. Rule.** Rule made returnable forthwith.
- 2.** The petitioner challenges the order dated 24 March 2025 passed by the Registrar under Section 154B-27(3) of the Maharashtra Cooperative Societies Act, 1960. By this order, the Registrar directed the petitioner society to grant permission for submitting a proposal before the planning authority. This permission was required for consolidation of four flats.
- 3.** The learned counsel for respondent Nos. 3 to 6 submits that Section 154B-27(3) contains the words for any other purpose. According to him, these words give wide authority to the Registrar.

He submits that the Registrar can issue directions of any nature if such direction relates to a dispute or grievance concerning the society. He states that the petitioner society refused to issue a no objection certificate required by the planning authority. Therefore, he contends that the Registrar was fully empowered under Section 154B-27(3) to issue a direction compelling the society to grant such permission.

4. Sub section (3) of Section 154B-27 gives a limited right to a member. It allows a member to apply to the society for a certificate related to his flat. The law mentions three situations. First, a certificate for sale of his flat. Second, a certificate for mortgaging it for obtaining a loan. Third, the words or for any other purpose.

5. When a statute uses general words after specific situations, the court must understand those general words in the same class as the specific situations. This principle is called ejusdem generis. Here, the specific purposes are sale of the flat and mortgage of the flat for obtaining a loan. Both relate to ownership and transfer of interest in the flat. They do not relate to construction, amalgamation, or alteration of structure.

6. Therefore, the expression or for any other purpose must be read in the same line. It must relate to matters similar to sale or mortgage. In simple terms, the Registrar can intervene only when the member needs certification from the society in matters connected with transfer or financial dealings concerning the flat. The provision does not allow the Registrar to decide every dispute between a member and a society.

7. Request for permission to consolidate four flats before the planning authority has nothing to do with sale or mortgage. Consolidation of flats involves structural changes. Such decisions are taken by the planning authority under the Development Control Regulations. Whether four flats can be merged or not is a question governed entirely by the planning authority. The society's views may be taken. However, the final authority lies with the planning authority. Section 154B-27(3) does not give power to the Registrar to compel the society to issue a no objection certificate for such consolidation.

8. The power of the Registrar under this provision is supervisory. It ensures that a society does not withhold a certificate when the member requires it for sale, mortgage, or similar legal purposes. It does not permit the Registrar to command the society to support structural modifications of the building or to influence proceedings before the planning authority.

9. There is nothing on record to show that refusal of the society to grant such no objection falls within any legal obligation under the Act, rules, or bye laws. In absence of such statutory obligation, the Registrar cannot invoke Section 154B-27(3) to issue mandatory directions.

10. Thus, the order dated 24 March 2025 passed by the Registrar travels beyond the scope of the statute. It amounts to exercise of jurisdiction not vested in the authority. Such exercise of power cannot stand. The order is liable to be set aside.

11. Hence, Rule made absolute in terms of prayer clause (a).
12. The writ petition stands disposed of in above terms.
13. There shall be no order as to costs.

(AMIT BORKAR, J.)