

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

WRIT PETITION NO. 7919 OF 2025

Dinesh Ramchandra Sawant & Anr. ... Petitioners
Versus
Shivaji Ramchandra Sawant & Ors. ... Respondents

Mr. Harish R. Pawar a/w Shivam S. Gawde for the Petitioners.
Mrs. D. S. Deshmukh, AGP for Respondent Nos.3 and 4.

CORAM: MANISH PITALE, J.
DATE : 20th JUNE 2025

P.C. :

- . Heard learned counsel for the petitioners.
2. By this petition, the petitioners are challenging order dated 17th April 2025 issued by respondent No.3-Assistant Registrar of Cooperative Societies. By the said order, an application moved by respondent No.1 under Section 22(2) of the Maharashtra Cooperative Societies Act, 1960 has been allowed and the said respondent is directed to be made a member of the society, in whose premises the subject shop is located.
3. Although, an alternative remedy of filing revision application under Section 154 of the said Act is available, the petitioners submit that the present petition is maintainable, for the reason that there is flagrant violation of principles of natural justice.
4. The learned counsel for the petitioners submits that Section 22(2) of the said Act itself stipulates that if a question arises regarding membership, the Authority is required to give a reasonable opportunity of being heard to all concerned parties.

5. In this context, attention of this court is invited to the documents on record, which show that as far back as on 24th June 1977, the membership was transferred in favour of petitioner No.1 and that subsequently, with the consent of the petitioner No.1, petitioner No.2 was shown as an associate member. It is in respect of the very said shop and membership that the respondent No.3 in the impugned order has directed inclusion of the name of respondent No.1. In such a situation, this Court finds a strong *prima facie* case in favour of the petitioners to claim that the impugned order deserves to be set aside on the short ground that principles of natural justice have been violated, in as much as the order has been passed behind the back of the petitioners, who are vitally concerned with the question decided by respondent No.3.

6. Hence, this Court is inclined to entertain the present writ petition.

7. Issue notice, returnable on **4th August 2025**.

8. Ms. Deshmukh, learned AGP, waives notice on behalf of respondent Nos.3 and 4.

9. Additionally, the petitioners are permitted to serve respondent Nos.1 and 2 by way of private service and to file an affidavit of service within four weeks from today.

10. In the meanwhile, there shall be ad-interim relief in terms of prayer clauses (d) and (e).

MANISH PITALE, J.