

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

CIVIL WRIT PETITION NO. 7919 OF 2025

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

**WITH
CIVIL WRIT PETITION (ST) NO. 20304 OF 2025**

Dinesh Ramchandra Sawant & Anr. ..Petitioners
Versus
Minakshi Subhash Sawant & Ors. ..Respondents

Mr. Harish Pawar a/w. Shivam S. Gawde for Petitioners.
Mr. Sunesh Sabrad a/w. Amey Sawant, Neha Parte and Eshwaree Kudalkar for Respondent No.1.
Ms. Asmita N. Rajbhar i/b. Upshot Legal for Respondent No.2.
Ms. Savina Crasto, AGP for State/ Respondent Nos.3 & 4 in WP/7919/25.
Mr. P. V. Nelson Rajan, AGP for State/Respondent Nos.3 & 4 in WP/ST/20304/25.

**CORAM : AMIT BORKAR, J.
DATE : 07 NOVEMBER 2025**

PC :

1. The Registrar has directed entry of the name of Respondent No.1 as a joint member. This step affects the rights of the petitioners because their names are already recorded in the membership register. When authority takes a decision that affects

someone's existing rights, the law requires that such person must be heard. This is a basic rule of natural justice. A person who will be affected by a decision must be allowed to place his case. The record does not show that the Registrar issued notice or granted hearing to the petitioners. They were not called upon to explain their stand. The decision was taken behind their back. Such a process is contrary to fair procedure.

2. Even though there are statutory remedies, the Court can exercise its writ jurisdiction where the order suffers from lack of natural justice. Here, the petitioners' names exist in the membership register. Their rights could not be curtailed without notice or hearing. This is not a mere procedural lapse. The right to be heard is a legal requirement. Orders passed without hearing a person whose civil rights are affected are void. Therefore, the petitions deserve to be entertained.

3. The impugned order dated 17 April 2025 passed by Respondent No.3 under Section 22(2) of the Maharashtra Cooperative Societies Act cannot stand. The order is passed in violation of natural justice. Hence, it is quashed and set aside.

4. The proceedings are restored on the file of Respondent No.3. The authority shall issue notice to the petitioners, grant them a fair opportunity to place their documents and submissions, and thereafter decide the claim of Respondent No.1. The authority must record short and clear reasons based on the material placed

before it.

5. Both parties shall remain present before Respondent No.3 on 17 November 2025 without waiting for further notice.

6. Respondent No.3 shall complete the proceedings within six months from today. All contentions on facts and law are kept open. The authority shall decide the matter independently and strictly in accordance with law.

(AMIT BORKAR, J.)