



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

WRIT PETITION NO.9838 OF 2025

Umang Co-operative Housing Soc. Ltd. ... Petitioner
versus
Divisional Joint Registrar and Ors. ... Respondents

Mr. Mayur Khandeparkar with Mr. Ketki Gadkari, for Petitioner.
Mr. Hamid Mulla, AGP for Respondent Nos.1 and 2.
Mr. Sandeep Maurya with Ms. Kavita Maurya i/by Ms. Simran Vishwakarma,
for Respondent Nos.3 to 6.

CORAM: N.J.JAMADAR, J.

DATE : 29 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 18 December 2024 passed by the Divisional Joint Registrar, Co-operative Societies, thereby directing the parties to maintain status quo in respect of the no objection certificate (NOC) dated 11 July 2023 issued by the Deputy Registrar, Co-operative Societies in accordance with the directions issued by the State Government under the provisions of Section 79A of the Maharashtra Co-operative Societies Act, 1960, thereby approving the appointment of M/s. Kumar Vibe Properties LLP as a developer.
3. Mr. Khandeparkar, the learned Counsel for the Petitioner submitted that the said certificate dated 11 July 2023 does not constitute an order or decision

amenable to revision under Section 154 of the Act, 1960. Respondent Nos.3 to 6 herein had initially instituted a Suit before the City Civil Court being Suit No.151 of 2024. However, the said suit was unconditionally withdrawn on 11 March 2024. Respondent Nos.3 to 6 thereafter filed a Dispute before the Co-operative Court. The dispute application in the said Dispute was returned by the Co-operative Court by an order dated 11 November 2024. An appeal against the said order is pending before the Appellate Court. In the meanwhile, Respondent Nos.3 to 6 preferred the revision before the Divisional Joint Registrar assailing the NOC dated 11 July 2023. In the said Revision, the Divisional Joint Registrar passed the impugned order discarding the objection to the very maintainability of the revision.

4. Learned Counsel for Respondent Nos.3 to 6 would urge that the Petition itself has not been filed by the office bearers authorized by the managing committee. The person who is purportedly signed and verified the petition has no authority to file the Petition. On the merits of the matter, it was submitted that the members of the managing committee of the society have pushed Respondent Nos.2 and 3 and other dissenting members on the lower floors of the proposed building. Respondent Nos.3 to 6 have a genuine grievance which is not being addressed by the Petitioner society.

5. From the perusal of the impugned order, it becomes evident that the Divisional Joint Registrar was persuaded to pass status quo order opining that

the parties were required to be heard. A serious question as to the maintainability of the revision application against the NOC granted by the Assistant Registrar in compliance with the directions issued by the State Government under Section 79A of the Maharashtra Co-operative Societies Act, 1960, arises for consideration. *Prima facie*, it appears the Divisional Joint Registrar was, oblivious to the consequences that would ensue status quo order. The entire development activity of the society premises would be stayed causing grave prejudice to other members of the society.

6. Thus, the impugned order cannot be sustained. As the revision application is pending before the Divisional Joint Registrar, it would be expedient to direct the Divisional Joint Registrar to hear and decide the revision application itself, as expeditiously as possible.

7. Hence, the following order :

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The impugned order stands quashed and set aside.
- (iii) The Divisional Joint Registrar is requested to hear and decide the revision application within a period of four weeks from today.
- (iv) The parties shall appear before the Division Joint Registrar on 7 August 2025.
- (v) The Petitioner shall not seek any adjournment in the said

revision Application.

(vi) All contentions of all the parties are kept open for consideration.

(N.J.JAMADAR, J.)