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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11248 OF 2025
WITH
WRIT PETITION NO.11250 OF 2025

Salman Khalil Mulla & Ors. ... Petitioners

V/s.

The Assistant Registrar, Coop.
Societies & Ors. ... Respondents

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Ms. Dhanshree Hublikar i/by YMK Legal for the
petitioners.

Mr. S.L. Babar, AGP for the State in WP/11248/2025.

Mr. P.V. Nelson Rajan, AGP for the State in
WP/11250/2025.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 03, 2025

P.C.:

1. In Writ Petition No.11248 of 2025, the petitioners, who are the elected Managing Committee Members of a housing society, have questioned the order dated 6 February 2025 passed by the Registrar. By the said order, the Registrar has disqualified the entire Managing Committee for five years. The disqualification is based mainly on the allegation that the committee failed to submit certain documents demanded by respondent No.2.
2. In Writ Petition No.11250 of 2025, the petitioners have challenged the subsequent order appointing a Board of Authorized Officers in place of the elected committee.

3. The learned Advocate for the petitioners submits that the documents in question were already available in the office of respondent No.1. It is stated that copies of all required records were furnished earlier, and there was no deliberate or willful default on part of the petitioners. Hence, the allegation that the committee failed to provide documents is without any factual foundation.

4. On examining the order dated 20 October 2024 and the material on record, it appears that the alleged lapse does not amount to any serious or intentional illegality. The mere non-furnishing or delayed submission of documents cannot, by itself, justify the extreme step of disqualifying an entire elected committee. Section 77A of the Maharashtra Cooperative Societies Act empowers the Registrar to take such action only when there is clear evidence of misconduct, mismanagement, or violation of statutory duties causing prejudice to the society. There is no such finding or credible material to support that conclusion. Therefore, the action of disqualifying the committee appears disproportionate and contrary to the spirit of democratic functioning of cooperative societies.

5. The petitioners have therefore established a strong prima facie case showing that the impugned orders suffer from legal infirmity. The balance of convenience also lies in their favour, as the removal of an elected body affects the right of members to manage their own affairs.

6. In these circumstances, it is just and proper to protect the petitioners against the immediate consequences of the impugned orders. Accordingly, the operation of the order of disqualification dated 6 February 2025 shall remain stayed until further orders.
7. Since the appointment of the Administrator on 7 February 2025 is only a consequence of the disqualification, that order shall also remain stayed during the pendency of the petition.
8. The Board of Administrators is directed to hand over charge forthwith to the petitioners, who are the duly elected members of the Managing Committee.
9. Issue fresh notice to the respondents. The matter shall be placed for further hearing on **24 November 2025**.

(AMIT BORKAR, J.)