

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11568 OF 2025

Runwal Cypress Co-operative ... Petitioners
Housing Society Ltd. And Ors.

V/s.

Assistant General Co-operative ... Respondents
Societies, S Ward, Mumbai and Anr.

Mr. Shriram Kulkarni i/by Gauresh Khandalekar with Viraj Sahasrabuddhe, for the petitioners.

Mr. Kirit Hakani with Niyati Hakani, Rahul Hakani, Bhavana Ahire, Pratishtha Shukla with Priyanka Singh, for the respondent No. 2.

Ms. D.S. Deshmukh, AGP, for the State.

CORAM : N.J. JAMADAR, J.
DATE : 4th SEPTEMBER 2025

PC:

1. Heard the learned counsel for the petitioners.
2. The challenge in this petition is to various orders passed by the Deputy Registrar, Co-operative Societies, culminating in an order dated 28th July 2025, whereby the petitioners have been disqualified to be the office bearers of the committee of the society under Section 154B-23 of the Maharashtra Co-operative Societies Act, 1960.
3. The learned counsel for the petitioners submits that, the first order passed by the Assistant Registrar on 16th December 2021

was without jurisdiction. The subsequent orders, including the order of disqualification of the petitioners, are premised on the non-compliance of the directions contained in the order dated 16th December 2021. Therefore, this Court may exercise the writ jurisdiction.

4. In opposition to this, Mr. Hakani, learned counsel for the respondent no. 2 submits that, the petitioners ought to have invoked the statutory remedy, and no case for exercising extraordinary writ jurisdiction in the face of the availability of the statutory remedy is made out.

5. I have perused the impugned orders and the material on record. It is true that the impugned orders, including the order of disqualification, have their genesis in the directions issued by the Assistant Registrar on 16th December 2021. Nonetheless, the statutory authority can very well examine whether the basis of the order of disqualification is an order which was passed without jurisdiction.

6. The Court is informed that, the authorized officer, who came to be appointed by an order dated 28th July 2025, has not yet taken charge of the affairs of the society.

7. In these circumstances, this Court considers it expedient to provide a reasonable time to the petitioners to work out the statutory remedies under the Maharashtra Co-operative Societies Act, 1960, and grant limited protection.

8. The petition, thus, stands disposed with the following directions:

a) The petitioners are at liberty to file a proceeding to

assail the impugned order, especially the order dated 28th July 2025 before the appropriate authority under the Maharashtra Co-operative Societies Act, 1960.

b) In the event such a proceeding is filed within a period of one week from today, the appropriate authority shall consider the application for stay to the execution, operation, and implementation of the order dated 28th July 2025 within a period of four weeks thereafter.

c) In the meanwhile, the authorised officer shall not take charge of the affairs of the society for a period of five weeks from today.

d) The petitioners are permitted to manage the day-to-day affairs of the society and pay the salaries of the staff and incur the expenses for day-to-day maintenance. However, the petitioners shall not take any policy decision.

9. It is hereby clarified that, this Court has not entered into the merits of the matter, and all contentions of all the parties are kept open for consideration by the appropriate authority.

10. The petition stands disposed.

(N.J. JAMADAR, J)