

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

CIVIL WRIT PETITION NO. 11986 OF 2025

Shahaji Sopanrao Jadhav & Ors.

..Petitioners

Versus

The Honble Divisional Joint Registrar Co
Operative Societies & Ors.

..Respondents

Mr. Pandurang Parkar for Petitioners.

Mr. Bapusaheb Dahiphale, AGP for State/ Respondent.

Mr. Jyotiram S. Yadasv, for Respondent No.3.

CORAM : AMIT BORKAR, J.

DATE : 11 NOVEMBER 2025

PC :

1. The petitioner questions the legality of the order passed by the Registrar while exercising powers under Section 75(5) of the Maharashtra Cooperative Societies Act. The authority was bound to act within the limits of law. When a statute confers discretionary power, the authority must record findings based on objective criteria. The record shows no discussion of the parameters laid down by this Court in *Kailash Maheshwari v. State of Maharashtra*, 2025 SCC OnLine Bom 3395. That decision explains how the Registrar must examine material placed before him, verify whether statutory conditions exist, and assign reasons that show application of mind. A quasi judicial authority cannot act in a mechanical manner. The impugned order is silent on these foundational requirements. The satisfaction expected of the

Registrar must reflect a logical process. The omission to apply the law laid down by this Court renders the decision unsustainable.

2. The impugned order dated 20 June 2025 passed by the Divisional Joint Registrar confirms an order dated 27 December 2023 of the Deputy Registrar. Both orders rest on the same flaw. Neither authority examined the parameters settled by judicial precedent. When an authority reconsiders or confirms a decision, it must independently assess the reasoning. It cannot rely only on the conclusion of the subordinate authority. The appellate order also fails to record any factual basis for the conclusion. An order which does not disclose reasons cannot stand. Therefore, both orders deserve to be quashed and set aside.

3. The proceedings are remanded to the Deputy Registrar, Cooperative Societies, Thane. The authority shall reconsider the matter afresh. He shall apply the parameters laid down in *Kailash Maheshwari*. He shall record findings based on evidence. He shall follow the principle that every statutory satisfaction must be preceded by proper inquiry, reasoned conclusions, and a clear statement of material on which satisfaction is founded. This Court expects that the proceedings shall be concluded within a reasonable time.

4. The petition stands disposed of. No order as to costs.

(AMIT BORKAR, J.)