

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

CIVIL WRIT PETITION NO. 12276 OF 2025

Ms. Aishwarya Shashikant Kale

..Petitioner

Versus

Deputy Registrar Co-op. Soc. & Ors.

..Respondents

Mr. Prashant P. Kulkarni for Petitioner.

Mr. J. P. Patil, AGP for State/ Respondent Nos.1 & 3.

Mr. A.R.Gole, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATE : 07 NOVEMBER 2025

PC :

1. The petitioner is a member of the housing society. This fact is not denied by any of the parties. The Registrar had directed the society to issue a share certificate to the petitioner. The Revisional Authority set aside this direction. The petitioner challenges this decision. When a fact is admitted, the Court does not need to conduct a deeper inquiry. Once membership stands admitted, the legal consequences must follow.

2. The law is clear. A cooperative housing society must issue a share certificate to every lawful member. The certificate is recognition of membership. It creates a formal record of the member's rights. If the society accepts a person as its member, it cannot refuse to issue the certificate. A society cannot enjoy the benefit of the member's contribution and yet deny the member the legal proof of membership.

3. The Revisional Authority interfered with the order of the Registrar without pointing to any material suggesting that the petitioner is not a member. There is no finding that the membership was wrongly granted or that the petitioner acted in breach of any rule. The Revisional Authority did not examine the mandatory nature of the society's duty. The Registrar had exercised jurisdiction properly. Interference with such a lawful direction is not justified. When a public authority gives a direction based on admitted facts and supported by law, it cannot be overturned on mere technicalities.

4. Therefore, the order of the Revisional Authority, to the extent it sets aside the direction of the Registrar regarding issuance of the share certificate, cannot stand. An order that ignores the admitted position and overlooks the statutory requirement fails the test of reason. It deserves to be quashed and set aside.

5. The direction issued by the Deputy Registrar directing the housing society to issue the share certificate to the petitioner stands confirmed. The housing society is bound to comply with this direction within a reasonable period. The petitioner, being a lawful member, is entitled to the certificate as a matter of right.

6. The petition stands disposed of in the above terms.

(AMIT BORKAR, J.)