

Shabnoor

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

WRIT PETITION NO.12973 OF 2025

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Ashish Chowdhary

... Petitioner

V/s.

Ramesh T. Gurudasani & Ors.

... Respondents

Mr. Rohan Surve i/b Yogesh B. Dandekar, for the
petitioner.

Ms. Alok A. Nadkarni, AGP for State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2025

P.C.:

1. The petitioner, who is the Ex-Secretary of the Co-operative Housing Society, has challenged the order passed by the Registrar rejecting his application to intervene in a proceeding under Section 23(2) of the Maharashtra Co-operative Societies Act, 1960. His claim to intervene is based on the assertion that, during his tenure as Secretary, he had issued a legal notice to Respondent No.1, and that the society has threatened to initiate action against the said respondent. On that basis, he contends that he has a right to participate in the present proceedings.

2. The issue that arises for consideration is whether a former office bearer of a co-operative society can claim a right to intervene in proceedings under Section 23(2) of the Act, merely because he was once holding an administrative post in the society and had earlier taken steps relating to the matter. Section 23(2)

pertains to the decision of disputes regarding membership, including the admission, cessation, or transfer of membership. The proceedings under this section concern the legal relationship between the society and its members or the heirs of deceased members. Therefore, such proceedings are limited to persons who are directly affected by the decision relating to membership and not to those who have ceased to hold office in the society.

3. The Supreme Court, in *Ravi Yashwant Bhoir v. District Collector, Raigad*, (2012) 4 SCC 407, has clearly defined the meaning of the term “aggrieved person.” The Court held that only a person whose legal right is directly affected by an administrative or quasi-judicial order can claim to be an aggrieved person and seek redress. The Court further observed that an individual cannot be considered an aggrieved person merely because he feels dissatisfied with the outcome or believes that a decision is wrong, unless it infringes upon his legal or vested right.

4. Applying the above principle, it is evident that the petitioner, being an Ex-Secretary, does not possess any subsisting right or authority in the affairs of the society. His powers as Secretary ceased with the conclusion of his tenure. The act of issuing a legal notice in the past, while he was Secretary, does not confer any continuing right to participate in or control the society’s decisions thereafter. His role, functions, and responsibilities ended once a new managing committee took charge.

5. The proceeding under Section 23(2) is a statutory matter confined to the internal relationship between the society and its

members or the legal heirs of a deceased member. Such a proceeding is not open to third parties, including former office bearers, unless they can demonstrate that the decision directly affects their personal legal right. The petitioner has failed to show any such direct or personal interest. His grievance arises not from any legal injury to himself, but from his past association with the matter, which does not create any enforceable right.

6. The Registrar, therefore, was justified in rejecting the petitioner's application for intervention. The Registrar's order reflects a correct understanding of the law that only a person having a direct and existing legal interest in the subject matter can be allowed to participate. The petitioner's past role as Secretary or his act of issuing a notice does not give him any legal standing after cessation of office.

7. The rejection of the intervention application is thus legally sound. The petitioner's claim does not satisfy the test of locus standi as laid down by the Supreme Court. No error is found in the reasoning adopted by the Registrar. The order impugned does not call for interference.

8. The Writ Petition is therefore dismissed.

(AMIT BORKAR, J.)