

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12974 OF 2025

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AYUB
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Regent Co-operative Housing
Society Ltd.

... Petitioner

V/s.

The Divisional Joint Registrar,
Cooperative Societies Mumbai & Anr.

... Respondents

Mr. Rajneel Sonavane, for the petitioner.

Mr. P. V. Nelson Rajan, APP for the State – respondent
Nos. 1 & 2.

Mr. Abhijit Singh, for respondent Nos. 4 & 5.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2025

P.C.:

1. The petitioner contends that the predecessor of Respondent Nos. 4 and 5, who was then holding the post of Chairman of the Society, misused his position and converted a single residential flat into two separate units. The original sale deed executed by the developer in favour of the predecessor of the father of Respondent Nos. 4 and 5 clearly shows that the area of the flat was 620 square feet. There is no material placed on record to show that any competent authority permitted subdivision or structural alteration of the said flat. The petitioner therefore asserts that the act of converting one flat into two and the subsequent issuance of two share certificates is without lawful authority and contrary to the

approved layout and bye-laws of the Society.

2. The Society, upon discovering this irregularity, has lodged complaints before the Registrar of Cooperative Societies and other competent authorities. The Society's stand is that one flat corresponds to one membership and consequently to one share certificate. Issuing two separate share certificates for one original flat violates the principle of single membership under the Maharashtra Cooperative Societies Act, 1960 and the Model Bye-laws. The Society further contends that such bifurcation disturbs the building structure and affects other members' rights. Therefore, the Society's objection to the creation of two flats is bona fide and supported by documentary evidence such as the sanctioned plan, original sale deed, and membership records.

3. The core dispute raised by the Society is not regarding ownership or inter se transfer of shares among members, but the fundamental illegality of creating two separate units from one sanctioned flat and obtaining two share certificates in respect thereof. The records reveal that this contention was specifically urged before the revisional authority. However, the revisional authority failed to consider this substantial issue and did not record any finding as to whether such division of one flat and the issuance of dual share certificates could be sustained in law.

4. Having considered the pleadings, documents, and nature of allegations, there appears sufficient prima facie material to hold that the Society has made out a strong case requiring protection of its rights pending final adjudication.

5. In these circumstances, an interim order is warranted. Hence, there shall be ad-interim relief in terms of prayer clause (b), until further orders.

6. Issue notice to Respondent Nos. 3 to 5, returnable on 20 November 2025.

(AMIT BORKAR, J.)