Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13544 OF 2025

SHABNOOR AYUB PATHAN
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Date: 2025.12.03 17:47:31 +0530

Baltazar Fernandes & Ors. … Petitioners

V/s.

The Deputy Registrar,
Cooperative Societies & Ors. … Respondents

Ms. Deepali Bagla, i/b Bagla & Associates, for the Petitioners.

Mr. Hamid D. Mulla, AGP, for the State – Respondent.

Mr. Bhavik Manek, a/w Mr. Ameet Mehta, Pratima Soundalkar, Aditi Parwal, Prem Rambbia, for Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 3, 2025

P.C.:

1. The challenge in the present petition is to the order dated 20 March 2025, whereby a 'No Objection Certificate' has been granted for redevelopment of the respondent-society.

2. This Court, while passing the ad-interim order, has already recorded reasons indicating that the powers exercised by the Deputy Registrar of Cooperative Societies are not in consonance with the provisions of the Maharashtra Cooperative Societies Act, 1960.

3. For the same reasons, the impugned order cannot be sustained. However, it is clarified that the setting aside of the No Objection Certificate granted by the District Deputy Registrar shall not be construed to mean that the society has not followed the requisite procedure for redevelopment. If the petitioner is aggrieved by any alleged non-compliance of the mandatory procedure prescribed under Section 79A or by any breach of the provisions of the Act, Rules, or Bye-laws, it shall be open to the petitioner to avail of such remedies as are permissible in law.

4. With the aforesaid clarification, the impugned order dated 20 March 2025 stands set aside.

5. It is further clarified that the observations made herein are not fact, specific but are only in clarification of the legal position. The appropriate forum or Court shall independently adjudicate the grievances of the parties uninfluenced by the present order.

(AMIT BORKAR, J.)