

Shabnoor

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

WRIT PETITION NO.16173 OF 2025

SHABNOOR
AYUB
PATHAN

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Mariam Abdul Majid Shaikh & Anr. ... Petitioners
V/s.
Sangli Vaibhav Cooperative Credit
Society Ltd. Through Its
Authorised Officer & Ors. ... Respondents

Mr. Kishan Chaudhari, for the Petitioners.

Mr. Gunjan Chaubey, for Respondent No.1.

Mrs. V. R. Raje, AGP for the State – Respondent No.3 &
4.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 1, 2025

P.C.:

1. The Petitioners are challenging the certificate issued on 21 March 2020 under Section 101 of the Maharashtra Co-operative Societies Act, 1960. According to the Petitioners, the certificate was obtained by fraud, as the pendency of a civil suit was not disclosed. In my opinion, the pendency of a civil suit in no way affects the issuance of a certificate under Section 101. The Civil Court and the Registrar under Section 101 operate independently. In civil proceedings, civil rights are adjudicated, whereas in proceedings under Section 101, the dues of a Co-operative Credit Society or a Bank are adjudicated by following the procedure prescribed under Rule 86 of the Maharashtra Co-operative Societies Rules, 1961.

2. Insofar as the order issued under Rule 107(d-1)(iv) is concerned, this Court, in *Amit Prakash Jori and Anr. vs. The State of Maharashtra & Ors.* (Writ Petition No. 1331 of 2025), has held that the power exercised by the District Magistrate or Chief Metropolitan Magistrate under Rule 107(11)(d-1)(vi) of the Maharashtra Co-operative Societies Rules, 1961 is purely executionary, non-discretionary, and microscopic in scope. If the Authority has no discretion except to pass the order, a Superior Court cannot entertain a petition challenging such a non-discretionary order.

3. Hence, keeping all questions open to be agitated in appropriately instituted proceedings.

4. The writ petition stands disposed of.

5. No costs.

(AMIT BORKAR, J.)