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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17277 OF 2025

Ramji Dana Patel ... Petitioner
V/s.
Gelji Bhagwanji Barsaniya & Ors. ... Respondents

Mr. Vinod P. Sangvikar with Mr. Shubham Sonawale for
the petitioner.

Mrs. D.S. Deshmukh, AGP for respondent Nos.4 & 5-
State.

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CORAM : AMIT BORKAR, J.

DATED : DECEMBER 23, 2025

P.C.:

1. This writ petition questions the proceedings taken by the Registrar in exercise of powers under Section 22(2) of the Maharashtra Cooperative Societies Act, 1960.
2. The main case of the petitioner is that the power of attorney on the basis of which the alleged sale deed came to be executed in favour of the respondents is a forged document. The petitioner has already set the criminal law in motion. The investigation report prima facie records that the power of attorney is forged. The petitioner has also instituted a civil suit challenging the validity of the sale deed executed in favour of respondent No.2.
3. The scope of enquiry under Section 22(2) of the MCS Act is well settled. The Registrar is required to examine whether the society's refusal or inaction in granting membership is justified and

whether the proposed member suffers from any statutory disqualification or ineligibility.

4. The question whether the power of attorney is forged and whether the sale deed flowing from such document is valid involves serious disputed questions of fact. These issues require full and final adjudication by a competent Civil Court in a substantive suit where the sale deed itself is under challenge.

5. So far as the prayer for injunction restraining the respondents from interfering with the petitioner's possession is concerned, that relief can be examined only by the Civil Court on its own merits. This Court is presently concerned only with the legality of the order passed under Section 22(2) of the MCS Act. The Registrar exercises only summary powers and cannot decide title or possession rights.

6. It is, therefore, open to the petitioner to urge all such contentions before the Civil Court in the pending suit.

7. It is clarified that the conferment of membership, if any, shall always remain subject to the final outcome of the civil suit instituted by the petitioner.

8. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)