

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7136 OF 2025

WITH

INTERIM APPLICATION NO. 11265 OF 2025

WITH

INTERIM APPLICATION NO. 8623 2025

IN

WRIT PETITION NO. 7136 OF 2025

New Khwaja Garib Nawaz (New KGN) Co-op ...Petitioner
Housing Society (Proposed) Thr its Chief
Promoter.

Versus

Deputy Registrar of Co Op. Soc. (MHADA) ...Respondent

Mr. Vijay Kurle, (through V. C.), for the Petitioner.

Mr. Bhushan Deshmush a/w Neha Mehta, Aditya Miskita, Aayshi
Gohil, Umair Merchant, Kanak Purohit, for the Applicant in
IA/8623/2023.

Mr. Yuwraj D. Patil a/w Raman B. Jaybhaye, for the Applicant in
IA/11265/2025.

**CORAM: SUMAN SHYAM &
 S. M. MODAK, JJ.**

DATED: 14th NOVEMBER, 2025.

PC:-

1. The Petitioner-Society has approached this Court by filing this Writ Petition primarily seeking a direction upon the Respondent to consider the Application filed by the Petitioner for recall of the order dated 28th November, 2024, passed in exercise of

power under Section 154-B-2 of the Maharashtra Co-operative Societies Act, 1960 (“M.C.S. Act of 1960”).

2. From the statements made in the Writ Petition, it is apparent that the Petitioner is seeking Review/Recall of the order dated 28th November, 2024, passed by the Deputy Registrar (MHADA) i.e. the Respondent, on the grounds stated in the Petition.

3. In support of his case, Mr. Vijay Kurle, learned Counsel for the Petitioner, appearing on-line, has produced a copy of the order dated 5th December, 2024 passed by a Division Bench (Coram : A.S. Chandurkar & Rajesh S. Patil, JJ) in Writ Petition No. 17313 of 2024. He submits that this Court has earlier passed similar orders, as prayed for, by this Court. The learned Counsel for the Petitioner could not, however, draw the attention of this Court to any provision of the M.C.S. Act of 1960, which confers jurisdiction on the Deputy Registrar either to Review or Recall his order.

4. The law is well settled that a writ of mandamus can be issued to the Administrative Authorities compelling them to perform their statutory duties provided such a duty is discernable under the law. Section 150 of the M.C.S. Act of 1960, confers power of Review to the Cooperative Appellate Court. However, we do not find any provision in the statute conferring power of Review/Recall of order upon the Deputy Registrar. In order to issue a direction to consider the application for recall of the order dated 28th November, 2024, the Court must be satisfied that such a power and/or jurisdiction is available to the Respondent. The Petitioner’s Counsel could not satisfy this Court on such count. In so far as the order dated 5th December, 2024 is concerned, it

appears that the said order has been passed in the facts of that case. The order does not lay down any legal principle which can be said to be binding on this Court.

5. For the reasons stated above, we are not inclined to grant the prayer made in the Writ Petition. However, since there is no dispute about the fact that the order dated 28th November, 2024, is an appealable order under Section 154 of the M.C.S. Act of 1960, we dispose of this Writ Petition by granting liberty to the Writ Petitioner to avail appropriate statutory remedy, in accordance with law, if so advised.

6. The Writ Petition stands disposed of accordingly.

7. In view of disposal of the Writ Petition, Interim Applications also stand disposed of.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)