



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1784 OF 2025

(Deepali Majoor Sahakari Sanstha Maryadit Kesalwada, Tahsil & District
Bhandara, Thr. Its President

Vs.

State of Maharashtra, Thr. Its Divisional Joint Registrar, Cooperative
Societies, Nagpur & Ors.)

WITH

WRIT PETITION NO. 1906 OF 2025

(P.S. Majoor Sahakari Sanstha Maryadit Tadgaon, Tahsil Mohadi,
District Bhandara, Thr. Its Secretary

Vs.

State of Maharashtra, Thr. Its Divisional Joint Registrar, Cooperative
Societies, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. S.K. Tambde, Advocate for the Petitioners.

Mr. Aalap Palshikar and Mr. N.S. Autkar, AGPs for the Respondent/State in
respective Petitions.

None for the Respondent No.3 in both the Petitions.

CORAM: ANIL L. PANSARE, J.

DATED : 11th JULY, 2025

1. The Petitioners / Primary Societies had applied for membership to the Respondent No.3-Federation. The request was refused by the Respondent No.3. The decision was challenged before the Respondent No.2 under Section 23(2) of the Maharashtra Co-operative Societies Act, 1960 (for short "Act of 1960"). The Appeal lie before the Registrar of Societies. The Respondent No.2 has exercised powers of

Registrar as delegated to him. The Respondent No.2 allowed the Appeal. The decision of Respondent No.2 was challenged by the Respondent No.3 before the Respondent No.1-Divisional Joint Registrar under Section 154 of the Act of 1960. Sub Section 2 of Section 154 of the Act of 1960 provides that, the revision shall lie before the State Government if the decision or order is passed by the Registrar, Additional Registrar or a Joint Registrar and to the Registrar if passed by any other Officer.

2. The argument is that since the Respondent No.2 has exercised jurisdiction of Registrar, though as delegate of the Registrar, the order so passed will have to be treated as order passed by the Registrar and the revision shall, therefore, lie before the State Government and not before Respondent No.1.

3. The aforesaid issue was considered by the Coordinate Bench of this Court in the case of ***Bajarang Labour Co-operative Society and Ors. Vs. Divisional Joint Registrar of Co-operative Societies and Ors., 2016(4) ALLMR 30***, wherein the Court holds thus;

“8. After considering the submissions made on behalf of the respective parties and the learned Assistant Government Pleaders, I find that the question as to whether a person becomes deemed member or otherwise has to be decided by the Registrar as per Section 23(1A) of the Act of 1960. However, the State Government has delegated the powers of Registrar to the District Deputy Registrar by the notification dated 11-09-2012 and this delegation is permissible as per Section 158 of the Act of 1960. The District Deputy Registrar while entertaining the applications filed by

the petitioner-societies exercised the powers of the Registrar as a delegatee of the Registrar.

Section 158 of the Act of 1960 reads as under :

"158. Delegation of power of Registrar to (certain authorities and officers :

The State Government may, by notification in the official Gazette, and subject to such conditions (if any) as it may think fit to impose, delegate all or any of the powers of the Registrar under this Act to any federal authority or to an officer thereof (or to any other authority) (and such officer or authorities) shall work under the general guidance, superintendence and control of the Registrar) specified in the notification."

The provisions of Section 158 of the Act of 1960 lay down that the subordinate officer or authority exercising the powers of the Registrar has to work under the general guidance, superintendence and control of the Registrar. In this background, it cannot be accepted that the Divisional Joint Registrar, who is subordinate to the Registrar, can examine the legality and validity of the order which is passed by the delegatee acting under the general guidance, superintendence and control of the Registrar. Similar issue is considered by the Hon'ble Supreme Court in the judgment given in the case of Behari Kunj Sahakari Awas Samiti and another vs. State of U.p. and others.

10. The submission made on behalf of the respondent No.3-Federation relying on the notification dated 07-08-1993 also cannot be accepted. The powers of Registrar can be delegated to the Additional Registrar or the Divisional Joint Registrar or any other officer, however, whether the Additional Registrar and the Divisional Joint Registrar can exercise revisional jurisdiction to examine the legality of the order passed by the subordinate officers exercising the powers of the Registrar as a delegatee, is the question and it is not open for the State Government to confer such powers on the Additional Registrar and the Divisional Joint Registrar, under the scheme of Section 154 of the Act of 1960."

4. Accordingly, the Coordinate Bench held that the Divisional Joint Registrar has no jurisdiction to entertain the said revision. The same course will have to be followed in the present cases also. The Respondent No.1-Divisional Joint Registrar, has therefore no jurisdiction to decide the revision.

5. The Petitions are accordingly **allowed**. Order dated 13.05.2024 passed by Respondent No.1-Divisional Joint Registrar, Co-operative Societies, Nagpur, in Revision Application No. 687/2023, is quashed and set aside. Order dated 21.06.2023 passed by Respondent No.2- District Deputy Registrar, Co-operative Societies, Bhandara, is restored. Respondent No.3 shall be, however, at liberty to challenge the order passed by Respondent No.2 before appropriate forum unless otherwise barred by law. Needless to say that if the proceedings are so filed the forum before whom the proceedings are filed, may consider extension of benefit under Section 14 of the Limitation Act, 1963.

(ANIL L. PANSARE, J.)