



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13749 OF 2025

LATUR INDUSTRIAL ESTATE CO OPERATIVE SOCIETY LTD
THROUGH ITS MANAGER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Vilas M. Humbe, Advocate for the Petitioner.

Mrs. A. S. Mantri, AGP for Respondents-State.

Mr. Vijay B. Patil, Advocate for Respondent No.4.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th JANUARY, 2026.**

P.C.:-

1. The present Writ Petition takes exception to order dated 23.09.2025 passed by Divisional Joint Registrar, Co-operative Societies/respondent no.2 in Revision Petition No.30/2025 in exercise of powers under Section 154 of Maharashtra Co-operative Societies Act, 1960 (for short 'MCS Act'), whereby petitioner is directed to confer membership upon respondent no.4.

2. Mr. Vilas Humbe, learned Advocate appearing for petitioner would submit that respondent no.4 filed Appeal before Assistant Registrar under Section 23(2) of MCS Act. The Assistant Registrar rejected Appeal vide his order dated 02.05.2017. Aggrieved respondent no.4 filed Revision Petition under Section 154 of MCS Act before Divisional Joint Registrar, Co-operative Societies at Mumbai, which was ultimately heard by Divisional Joint Registrar,

Co-operative Societies at Latur, who passed impugned order. According to Mr. Humbe, Divisional Joint Registrar could not have exercised revisional jurisdiction against order passed by Assistant Registrar under Section 23(2) of MCS Act, as Assistant Registrar exercised delegated powers of Registrar. Therefore, once Assistant Registrar exercises powers of Registrar under Section 23(2) of MCS Act being delegate of Registrar, only State Government can exercise revisional jurisdiction conferred under Section 154 of MCS Act. In support of his contentions he relies upon observations of this Court in case of ***Bajrang Labour Co-operative Society Mahagaon Vs. Divisional Joint Registrar of Co-operative Societies, Nagpur and others***¹.

3. Apparently, aforesaid contention has been considered by this Court in ***Writ Petition No.3148/2023*** decided on **19.07.2024** and it has been observed that considering Notification dated 24.11.2021 issued by Department of Co-operation, Assistant Registrar exercises powers of Registrar under Section 23(2) while dealing with challenge to decision of Society to confer membership. Therefore, Revision can be entertained only by State Government.

4. In light of aforesaid settled legal position, impugned order passed by Divisional Joint Registrar in exercise of revisional

¹ 2016 (2) Mh.L.J. 849.

jurisdiction being ultra vires cannot be sustained in law. Hence, following order:

ORDER

- a. Writ Petition is allowed.
- b. The impugned order dated 23.09.2025 passed by Divisional Joint Registrar, Co-operative Societies/respondent no.2 in Revision Petition No.30/2025, is hereby quashed and set aside.
- c. The respondent no.4 shall be at liberty to take up his remedy before State Government by filing Revision Petition.
- d. If such Revision Application is filed, time consumed in prosecuting Revision Petition before Divisional Joint Registrar and time consumed till decision in this Writ Petition shall be counted for purpose of limitation.

(S. G. CHAPALGAONKAR)
JUDGE