

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.339 OF 2026
WITH
INTERIM APPLICATION NO. 334 OF 2026

SHABNOOR
AYUB
PATHAN

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Mavji Ravji Patel ... Petitioner
V/s.
Government of Maharashtra & Ors. ... Respondent

Mr. Shailesh Naidu a/w Mr. Mehul Shah i/b Mr. Bharat Joshi, for the Petitioner.

Ms. Snehal S. Jadhav, AGP, a/w Mrs. M. S. Srivastava, AGP, for the State – Respondent No.1 to 3.

Mr. Drupad Patil i/b Shivraj Patne, Aditya A. Joshi, for Respondent No.6.

Mr. Abhishek Nikharge, for Respondent No.16.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 16, 2026

P.C.:

1. The present petition arises from a complaint by the petitioner. The petitioner sought deregistration of the respondent society under Section 21A of the Maharashtra Co-operative Societies Act, 1960. The complaint placed the issue within the limited scope of Section 21A. The complaint claimed that the statutory conditions for deregistration stood satisfied.

2. The petitioner urged one principal ground. The petitioner stated that with the passage of time almost all shares of the

housing society came to be held by members of a single family. The petitioner stated that this situation offends the basic cooperative character of a housing society. The petitioner argued that concentration of membership in a single family defeats the object of forming a cooperative society and therefore attracts deregistration under Section 21A.

3. The petitioner advanced other grounds. The petitioner stated that several newly enrolled members lacked eligibility under the governing bye-laws and the MCS Act. The petitioner treated this as a legal infirmity that vitiated the functioning of the society. The petitioner also stated that a substantial portion of the premises stands used for commercial activities. The petitioner submitted that the society was registered for housing purposes and that the commercial use has extinguished the original purpose. The petitioner asserted that once the basic purpose has ceased the law mandates deregistration. On these grounds the petitioner sought deregistration.

4. The Authorities examined the complaint. The Authorities relied on evidence and the statutory scheme. The Authorities recorded concurrent findings that the petitioner failed to show that the registration of the society was itself contrary to provisions of the MCS Act at the inception. The Authorities held that the complaint did not satisfy the threshold of Section 21A which deals with deregistration in specific circumstances.

5. The Authorities also held that the petitioner failed to prove that the work of the society had been exhausted. The Authorities

noted that the society continues to function, continues to hold property, and continues to serve housing needs of its members. The petitioner failed to prove that the original purpose of registration no longer survives. The factual record did not support such a conclusion.

6. I have examined the petition and the grounds. I have perused the orders of the Authorities. I find no error of law. I find no perversity in the concurrent factual findings. The petitioner complains of alleged illegal admission of members and alleged commercial use of premises. Such issues fall within other provisions of the MCS Act. Section 21A does not provide a remedy for such grievances. The petitioner may pursue appropriate remedies available under the Act. The scope of Section 21A is narrow. The petitioner has not brought the case within that scope. No interference is warranted.

7. The writ petition stands dismissed. No costs.

8. All contentions of both sides remain open. The parties may raise them before the appropriate forum in accordance with law.

9. In view of dismissal of the writ petition the interim application does not survive. The interim application also stands disposed of.

(AMIT BORKAR, J.)