

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3175 OF 2026

Gaurav Shantaram Desai and Ors.

... Petitioner

V/s.

Divisional Joint Registrar Co-Op. Soc.

Mumbai and Ors.

... Respondents

Mr. Nikhil Adkine a/w A. Jadhav and Shubham C. for
the petitioners.

Smt. S.S. Jadhav, AGP, for the State.

Mr. Sanjay Jain a/w Jugal Haria i/by Simran Wagle for
respondent No.3 – Society.

Mr. Rajesh Sharma a/w Laxmi Lata i/by Rajesh S.
Sharma & Associates for respondent No.4.

CORAM : AMIT BORKAR, J.

DATED : MARCH 9, 2026

P.C.:

1. The petitioners before this Court are members of the concerned cooperative housing society. They have approached this Court questioning the legality of the order passed by the Registrar by which a no objection was granted for carrying out redevelopment of the society property. According to the petitioners, the Registrar had no authority under law to issue such a no objection, and therefore the very foundation of the order permitting redevelopment stands vitiated.

2. While considering this issue, it is necessary to note that this

Court has already examined the scope of powers of the Registrar in *Baltazar Fernandes v. Deputy Registrar of Societies, H-West Ward*, Writ Petition No. 13544 of 2025 by order dated 17 October 2025 . It has been clearly held that the Registrar does not possess statutory authority to issue a no objection for redevelopment of a cooperative housing society. For the same reason, the order passed by the Revisional Authority, which affirmed and granted such no objection, also cannot survive and is accordingly set aside.

3. At the same time, it is necessary to clarify the effect of setting aside these orders. The setting aside of the no objection granted by the Registrar does not automatically invalidate the redevelopment process undertaken by the society. Therefore, merely because the Registrar's order granting no objection is quashed, it cannot be assumed that the redevelopment proposal itself is unlawful. The redevelopment process may still continue if it is otherwise carried out in accordance with law.

4. The present decision does not prevent any aggrieved member from taking recourse to such remedies in accordance with law.

5. In view of the above discussion and the limited issue involved in the present petition, no further orders are necessary. The writ petition is accordingly disposed of in the above terms.

(AMIT BORKAR, J.)