

Sayali

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

**SAYALI
DEEPAK
UPASANI**

WRIT PETITION NO. 9401 OF 2025

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Awadhesh Jha	... Petitioner
V/s.	
The District Deputy Registrar Co-op Soc. Thane and Others	... Respondents

Mr. Awadhesh Jha, for Petitioner in person, Present.

Ms. Alok A Nadkarni, AGP for State.

Ms. Akansha Soni i/b Dinesh Dubey, for Respondent
no. 6.

Ms. Yashika Jain i/b K. Trivedi, for Respondent nos. 2,
3 and 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2026

P.C.:

1. The challenge in the present petition is raised by an individual member of a co-operative housing society against the order granting deemed conveyance in favour of the society. The principal grievance put forward is that the area conveyed under the order is allegedly less than what, according to the petitioner, ought to have been granted. The entire foundation of the petition rests on the contention that since the society itself has not challenged the order, a member is entitled to independently question the correctness of the conveyance before this Court. The issue, therefore, is not about measurement or entitlement in

isolation. The real issue is whether an individual member has an independent legal right to maintain such a challenge when the conveyance stands in favour of the collective body, namely the society.

2. The legal position on this aspect is no longer open to debate. The Constitution Bench judgment of the Supreme Court in *Daman Singh and Others Vs. State of Punjab and Others* 1985 SCC (2) 670 has clearly explained the nature of membership in a co-operative society. The Court held that once a person becomes a member of a co-operative society, he loses his individuality qua the society and he has no independent rights except those given to him by the statute and the bye-laws. He must act and speak through the society or rather, the society alone can act and speak for him qua rights or duties of the society as a body.

3. A co-operative society functions on collective decision making. Rights concerning property vested in the society must be asserted by the society itself through its authorized mechanisms. The individual member may have an internal voice within the society, but cannot step outside and litigate in substitution of the society.

4. This principle has been consistently applied thereafter. A Division Bench of this Court in *Dinesh Kantilal Panchal and Others Vs. State of Maharashtra and Others* (2008) 6 All MR 703 reiterated disputes relating to rights vested in the society must be pursued in the name of the society, since the society represents the collective interest of all members. This position has been followed

in subsequent decisions, thereby establishing a consistent line of authority that binds this Court. Judicial discipline requires adherence to this settled principle unless distinguished on facts or overruled, which is not the situation here.

5. Applying the above principles to the facts of the present case, it becomes clear that the deemed conveyance has been granted in favour of the housing society. The beneficiary under the order is the society as a legal body. Any grievance regarding the extent of area conveyed, or any allegation that the order is inadequate or erroneous, is therefore a grievance that belongs to the society. If the society, through its general body or managing committee, chooses not to challenge the order, that decision may or may not satisfy an individual member. However, dissatisfaction with such decision does not automatically confer a separate right upon a member to institute proceedings in his personal capacity. Permitting such challenges would lead to multiple proceedings by different members taking conflicting stands, which would defeat the very concept of collective functioning under co-operative law.

6. At the same time, the law does not leave an aggrieved member without remedies. If a member believes that the managing committee has failed to act in the interest of the society, the statute provides internal and statutory remedies. The member may invoke remedies available under the co-operative law, seek directions against the managing body, or pursue such other proceedings as are permissible to compel appropriate action by the society. What is impermissible is bypassing the society and directly challenging the conveyance order as though the member were the legal holder

of the right.

7. In view of this settled legal position, the present petition, filed by the petitioner in his individual capacity as a member, cannot be entertained. The right to question the deemed conveyance rests with the society alone. If, at a later stage, the society itself chooses to challenge the order, such challenge will naturally be examined on its own merits in accordance with law. At present, however, the petition lacks locus and is therefore not maintainable.

8. For these reasons, the petition stands dismissed on the ground of maintainability. No further adjudication on the merits of the deemed conveyance is warranted in these proceedings.

9. The petition stands disposed of.

(AMIT BORKAR, J.)