

Shabnoor

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

WRIT PETITION NO.10259 OF 2025

Ramesh Iyer & Ors.

... Petitioners

V/s.

The Deputy Registrar of
Cooperative Societies & Ors.

... Respondents

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Mr. Vinod Rane a/w Amol Joshi, for the Petitioners.

Mr. Y. D. Patil, AGP, for the State – Respondent Nos.1
and 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 28, 2026

P.C.:

1. The present writ petition arises from an order passed by the competent authority in exercise of powers under Section 77A of the Maharashtra Cooperative Societies Act, 1960. At the stage of admission, certain interim orders came to be passed. Those orders proceeded on an incorrect assumption that the petition took exception to an order under Section 79A(3) of the said Act. On a closer scrutiny of the record, including the pleadings and the appeal memo, it becomes clear that the challenge is in fact only to the order passed under Section 77A.

2. A careful reading of the appeal memo filed by the petitioner leaves no room for doubt that the order impugned before the appellate authority was confined to the action under Section 77A. The appeal memo does not contain any reference to an order

under Section 79A(3). Nor does it contain any ground assailing the legality or validity of a disqualification order. This distinction is material because the statutory scheme treats the two provisions differently. Section 79A(3) deals with the power of disqualification. Section 77A deals with the appointment of an Administrator in specified contingencies.

3. The grounds raised in the appeal also limit the scope of controversy. The petitioner has challenged the legality of the order under Section 77A by contending that the conditions for invoking the said provision were not satisfied. However, the facts disclose that the order under Section 77A was not an independent exercise of power. It flowed from and was consequential to the disqualification of the office bearers by the Registrar under Section 79A(3). The statutory consequence of disqualification is the need to appoint an Administrator to ensure the continuity of administration. The challenge to the consequential order cannot be considered without examining the validity of the foundational order.

4. The petitioner has not questioned the foundational disqualification order. That order continues to operate. In such a situation, the writ petition only seeks to unsettle the consequence without questioning the cause. Judicial review cannot be exercised so as to disturb a consequential order while leaving untouched the primary order which gave rise to such consequence. The challenge therefore fails at the threshold. For abundant clarity, it is observed that if the petitioner intended to dispute the legality of the disqualification, an appropriate challenge ought to have been filed

to that specific order.

5. In view of the above findings, the writ petition does not merit interference with the action taken under Section 77A. However, in order to ensure that the cooperative society is placed under a duly elected managing committee without undue delay, the Administrator shall conduct and complete the elections within a period of three months from the date of this order.

6. The Administrator shall file a compliance report before this Court within the said period so that the process attains finality.

7. The writ petition is accordingly disposed of in the above terms. No order as to costs.

8. List the petition **on 29 April 2026** under the caption “**For Compliance.**”

(AMIT BORKAR, J.)