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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12171 OF 2025

Asaddulla Musafir Khan & Anr. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

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Mr. Shrivallabh S. Panchpor for the petitioners.

Mrs. D.S Deshmukh, AGP for respondent Nos.1 to 3 -
State.

Mr. Kishor Patil i/by Mr. Aadesh M. Patil for respondent
Nos. 4 to 7.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2026

P.C.:

1. This writ petition challenges an order passed by the Deputy Registrar, Cooperative Societies, Pune City. The petitioners had filed an application before the Registrar. The present petition arises from the decision on that application.

2. The petitioners submit that the Registrar went beyond the scope of the application. The Registrar held that the petitioners are not members of the society. The petitioners argue that the Act does not give the Registrar power to decide membership in such proceedings. The relief claimed before the Registrar was only to cancel the redevelopment process and to take action against the

managing committee. The petitioners state that the Registrar could not decide their membership while deciding that limited request.

3. The respondent's advocate submits that the Registrar relied on a report under Section 89-A of the Maharashtra Cooperative Societies Act, 1960. He submits that the findings flow from that report. He submits that the Act does not require interference in such findings in the absence of any specific contrary power.

4. The Court has examined the order passed by the Deputy Registrar. The Registrar refused to initiate action against the managing committee. While doing so, he recorded that the petitioners are not members of the society. This finding affects civil rights. The petitioners claim that they were enrolled as members by the Administrator. The contesting respondents dispute this fact. There is a clear dispute on membership. This dispute needs independent adjudication. The Act provides separate proceedings to decide membership. That process must include notice and hearing for all concerned. The Registrar could not decide this disputed issue in a complaint filed by the petitioners seeking action against the managing committee.

5. The Court therefore holds that the finding of the Registrar on membership cannot stand. It is outside the scope of the petitioners' complaint. The Registrar did not follow the procedure prescribed under the Act for deciding disputed membership.

6. The Court clarifies that it has not decided whether the petitioners are members of the society. That question must be decided by the competent authority under the Act. The aggrieved

person must file proper proceedings to decide that issue. The authority must hear all parties and decide based on material produced by the parties.

7. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)