

MPBalekar

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

WRIT PETITION NO. 12258 OF 2025

Tulsi Sureshbhai Darji and Ors. ... Petitioners
V/s.
State of Maharashtra and Anr. ... Respondents

Vijay Kurle along with P. Gupta for petitioners.

Kavita N. Solunke, Addl. G.P. along with S.L. Babar,
AGP for the State – respondent No.1.

Rakesh Bhatkar along with Smita Samel, Dhananjay
Junnarkar, Ratnaprabha Junnarkar and Sakshi Kamble
for respondent No. 2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2026

P.C.:

1. The petitioners have challenged the order dated 21 March 2024 passed by the Deputy Registrar, Co operative Societies, R-North Division, Mumbai under Section 154B 29 of the Maharashtra Co operative Societies Act, 1960. By the said order, a recovery certificate has been issued against Mr. Sureshbhai M. Darji, who is the father of the petitioners.

2. The record clearly shows, and it is not disputed by either side, that the proceedings were initiated by the society against Mr. Darji himself. There is no material on record to show that the proceedings were initiated against his legal representatives. The entire action of the authority proceeded on the footing that Mr.

Darji was alive and answerable to the proceedings.

3. It is an admitted position that Mr. Suresh M. Darji had expired before the initiation of the proceedings. Once this fact is accepted, the legal consequence is clear. Proceedings initiated against a dead person have no legal existence. Such initiation is void from the very beginning. When the foundation itself is illegal, no valid order can be built upon it. The authority could not have continued the proceedings or taken them to their logical conclusion by issuing a certificate under Section 154B 29. Therefore, the impugned order dated 21 March 2024 cannot be sustained in law and is liable to be quashed and set aside. At the same time, setting aside the impugned order does not take away the right of the society to proceed in accordance with law. It is open to the society to initiate fresh proceedings, if so advised, against the legal representatives of the deceased, in accordance with the provisions of the Act.

4. The writ petition stands disposed of with a direction that if any such proceedings are filed, the same shall be decided as expeditiously as possible.

(AMIT BORKAR, J.)