

AGK

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

WRIT PETITION NO.12444 OF 2025

Ramchandra Bhimrao Valatkar & Ors. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2026.02.17
14:50:11 +0530

Mr. G.N. Salunke with Mr. P.A. Pol and Mr. Ranjit S.
Hatkar i/by Pol Legal Juris for the petitioners.

Mr. B.V. Samant, Additional G.P with Smt. P.V. Gavhane,
AGP for State.

Mr. Shantanu Raktate for respondent Nos.5 and 6.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 17, 2026

P.C.:

1. The present writ petition questions the legality of the order passed by respondent No.2 under Section 152 of the Maharashtra Cooperative Societies Act, 1960. The background needs brief clarity. The Additional Registrar had earlier exercised power under Section 77A of the Act and passed an order concerning the managing committee of the society. Instead of the affected committee members approaching the appellate authority, the society itself preferred an appeal. Respondent No.2 entertained that appeal and interfered with the Section 77A order. The dispute in this petition therefore is not about factual correctness of the action under Section 77A. The real issue is whether the society could at all maintain such an appeal.

2. Section 77A gives power to the Registrar to remove the managing committee and appoint an authorised officer to run the affairs of the society. This provision operates directly against the individuals who form the committee. It is a supervisory power over the office bearers. The order does not punish the society as a legal body. The society continues to exist. Its registration does not suffer. Its property does not vest in the Government. Only the persons managing it are replaced. Therefore the persons aggrieved in law are the committee members who lose their office. The society as a corporate body cannot claim injury merely because the State removes its office bearers for statutory reasons. The Act consciously treats the committee and the society differently. A managing committee acts for the society but is not the society itself.

3. The right of appeal under Section 152 is available only to a person aggrieved. The phrase “person aggrieved” has a definite legal meaning. One must show direct legal prejudice. A remote dissatisfaction is not enough. Here, the committee members were the persons affected. If they believed the action illegal, they could challenge it. Instead, the society filed the appeal. Such a course defeats the scheme of Section 77A. Otherwise every order removing a committee would automatically be challenged by the society in its own name and the statutory control would become meaningless. The appellate authority overlooked this basic requirement of locus. Entertaining the appeal itself was without jurisdiction.

4. Once it is held that the appeal was not maintainable at the instance of the society, the order passed by respondent No.2 cannot survive. An authority cannot exercise appellate power unless the appeal is competent in law. The defect goes to the root. It is not a mere irregularity.
5. Therefore, the order dated 4 July 2025 passed in Appeal No.186 of 2025 is quashed and set aside.
6. The writ petition is accordingly allowed in the above terms.
7. No order as to costs.

(AMIT BORKAR, J.)