

Shabnoor

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

WRIT PETITION NO.13006 OF 2025

Anuj Cooperative Housing Society Ltd. ... Petitioner
V/s.
District Deputy Registrar
of Cooperative Societies – I & Ors. ... Respondents

Mr. Aditya Lele a/w Mr. Atul Mishra & Rutuparn Deo,
for the Petitioner.

Mr. M. M. Pable, AGP for the State – Respondent Nos.1,
2, 4.

Mr. Ansari Sahil a/w Mr. Kailash N. Bang, for
Respondent no.3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2026

P.C.:

1. A careful reading of the orders passed by the District Deputy Registrar, Mumbai–I, and the Deputy Registrar, D Ward, shows that both officers ignored a clear and binding order of this Court dated 28 June 2011. By that order, this Court expressly directed that the ad interim order dated 28 January 2011 would continue till the revision application was finally heard and decided. The direction was plain. It left no scope for doubt or interpretation. Once such a direction was issued, the authorities were bound to act strictly in accordance with it.

2. This Court disposed of Writ Petition No. 925 of 2011 by its order dated 28 June 2011. Therefore, that order was a final disposal of the writ petition. It was not a temporary or time bound arrangement. The continuation of the ad interim order flowed directly from the final order of this Court and remained operative until the revision application was decided.

3. Despite this position, both the District Deputy Registrar and the Deputy Registrar have recorded that the stay orders were valid only for six months. Such an observation runs directly contrary to the express words used by this Court. There was no order of this Court limiting the stay to any fixed period. Recording such a finding, in the face of a clear judicial direction, shows a conscious disregard of the Court's order. At this stage, such conduct prima facie amounts to willful disobedience.

4. In view of this prima facie disobedience, notice is required to be issued to Mr. Nitin Kale, District Deputy Registrar, Mumbai-I, and Mr. Rajesh Lavhekar, Deputy Registrar, D Ward, under Form 9 of the Bombay High Court Contempt of Courts Rules, 1994.

5. Apart from the above, it is not in dispute that the proceedings were initiated under Section 154B-29 of the Maharashtra Cooperative Societies Act, 1960. This provision clearly states that the procedure is to be governed by rules framed by the Legislature. It is also an admitted position that no such rules have been notified till date. In spite of this statutory vacuum, the authorities relied upon Rule 86(a) to (f) of the Maharashtra Cooperative Societies Rules, 1961, which apply to other categories

of societies, and on that basis rejected the housing society's application for recovery of maintenance.

6. On a plain reading of the Rules, Rule 86 has no application to a housing society. Applying a rule meant for a different category of societies amounts to applying a law that does not govern the case at hand. The findings recorded by both authorities are therefore founded on an inapplicable legal provision. Such action, on the face of the record, attracts the principles laid down by the Supreme Court in *Union of India v. K.K. Dhavan*, (1993) 2 SCC 56 where disciplinary action is contemplated for officers who act in disregard of law or binding directions.

7. In these circumstances, apart from responding to the notice issued under Form 9 of the Bombay High Court Contempt of Courts Rules, 1994.

8. Both officers are also required to file their independent replies explaining why a departmental inquiry, as contemplated by the Supreme Court in *Union of India v. K.K. Dhavan*, should not be initiated against them for the conduct reflected in the present matter.

9. The petition shall be listed on 19 January 2026 to enable both officers to file their replies.

(AMIT BORKAR, J.)