

Shabnoor

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

WRIT PETITION NO.13274 OF 2025

SHABNOOR
AYUB
PATHAN

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Swastik Chambers Owners Cooperative
Society Ltd.

... Petitioner

V/s.

The Competent Authority &
District Deputy Registrar of
The Cooperative Society & Ors.

... Respondents

Mr. Girish Godbole, Senior Advocate i/b Ms. Priyanka
N. Bhadrashete, for the Petitioner.

Mr. Hamid D. Mulla, AGP, for the State – Respondent
No.1.

Mr. D. R. Kowale, for Respondent No.10 – BMC.

Mr. Harish R. Pawar, a/w Shivam S. Gawde, Shraddha
Yadav, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 9, 2026

P.C.:

1. The present petition shows another disturbing instance where the Competent Authority appears to have exercised its powers in an arbitrary and unreasonable manner. The record placed before the Court indicates that an order was passed in the year 2019 by the Competent Authority, which is signed by Respondent No. 12. In that order, an area measuring 9274.23 sq. metres is stated to have been granted in favour of the Respondent Society. The petitioners state that a copy of this order was obtained under the provisions of the Right to Information Act, 2005.

However, when the impugned order is carefully examined, it is seen that the order makes substantial reference to the earlier order dated 7 February 2019 but proceeds to mention a much larger area. In fact, the impugned order records that an area measuring 17449.75 sq. metres stands granted. This apparent difference in the area mentioned in the two orders raises serious doubt about the manner in which the power was exercised. Such a situation cannot be ignored and requires a proper explanation from the authority who passed the order.

2. In these circumstances, notice is issued to Respondent No. 12, returnable after two weeks. Respondent No. 12 shall file a personal affidavit explaining the circumstances in which the order came to be passed and clarifying the discrepancy regarding the area mentioned in the orders. He shall also explain why appropriate action should not be considered against him for the manner in which the power appears to have been exercised. In particular, he shall state why action relating to stoppage of pensionary benefits or any other suitable action should not be taken, as contemplated by the judgment of the Supreme Court in *Union of India and others v. K. K. Dhawan*, (1993) 2 SCC 56. The affidavit shall be filed within a period of two weeks from today.

3. The complete file of the proceedings leading to the passing of the impugned order shall also be produced before this Court on the next date of listing so that the Court can examine the record and understand how the decision was taken. The concerned authority shall ensure that the original record is made available to the Court without any delay.

4. Hence, issue notice to respondent No.12, returnable on **23 March 2026 'High on Board'**.

(AMIT BORKAR, J.)