

Shabnoor

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

WRIT PETITION NO.15094 OF 2025

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Ranjit Pratap Shedge ... Petitioner
V/s.
The State of Maharashtra ... Respondent

Ms. Madhavi Ayyappan a/w Savi Lodam i/b Talekar & Associates, for the Petitioner.

Ms. M. S. Srivastava, AGP, for the State – Respondent
Nos.1 & 2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 3, 2026

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. Though duly served, Respondent No. 3 has chosen not to enter appearance. The record reflects valid service in accordance with law. In these circumstances, the Court has no option but to proceed in his absence. The petition is, therefore, taken up for final disposal ex parte against Respondent No. 3 on the basis of the material available on record.
3. The present petition calls in question the legality and correctness of the proceedings initiated under Section 22(2) read with Section 30 of the Maharashtra Cooperative Societies Act, 1960. The dispute lies within a narrow compass. It concerns the entitlement to succeed to membership of a cooperative society

upon the death of a member. The controversy does not travel beyond the statutory framework governing admission and transmission of membership.

4. The material facts are largely undisputed. Parshuram Panbude was the original owner and member in respect of Plot No. 10 of Respondent No. 4 society. During his lifetime, he transferred the said plot to Pratap Ganpatrao Shedge. Upon the demise of Pratap Shedge, the society transferred the membership in favour of Ratan Pratap Shedge in the year 1984. Consequent thereto, a lease deed dated 23 October 1986 came to be executed in her favour. Thus, as on that date and thereafter, Ratan Shedge was the recognized and recorded member of the society in respect of the subject plot. Her status as member was neither provisional nor contingent. It stood crystallized by formal transfer and execution of lease.

5. On 2 June 2011, Ratan Shedge executed a nomination in favour of the present petitioner in accordance with the statutory provisions. After her demise, the petitioner approached the society seeking transmission of membership under Section 30 of the Act. The authorities, however, declined the petitioner's request. They proceeded to accept the claim of Respondent No. 3, placing reliance upon an heirship certificate issued in Regular Civil Suit No. 1337 of 2017. The decision-making process reflects that the authorities treated the heirship certificate as conclusive of the issue, without examining whether it pertained to the estate of the deceased member whose membership was sought to be transmitted.

6. Section 30 of the Act provides a complete code for transmission of interest of a deceased member. The scope of inquiry under this provision is circumscribed. The society is required to ascertain who is the nominee or, in the absence of nomination, who is the legal representative of the deceased member. The exercise does not involve adjudication of intricate questions of title inter se rival claimants. The object is to ensure continuity of membership and orderly administration of the society. Once the person applying demonstrates that he or she answers the description of a legal representative or nominee of the deceased member, the society is obliged to effect transfer of membership in accordance with law. The authorities under the Act cannot enlarge the inquiry beyond what Section 30 contemplates.

7. In the present case, the document relied upon by Respondent No. 3 is an heirship certificate pertaining to Akkabai Shedge. It is not the case that Akkabai Shedge was the recorded member of the society at the time of her death. The member whose succession falls for consideration is Ratan Shedge. The question before the society was limited. It was required to determine who, under Section 30, was entitled to succeed Ratan Shedge in respect of membership. By resting its decision solely on an heirship certificate concerning a different individual, the authority misdirected itself in law. The inquiry shifted from succession to Ratan Shedge to succession to Akkabai Shedge. This approach is legally untenable. The statutory mandate cannot be diluted by reference to material which does not bear upon the death of the member whose interest is to be transmitted.

8. The petitioner had placed reliance upon a nomination executed by Ratan Shedge. In the absence of any finding that the nomination was invalid or vitiated, the society was bound to consider it in the first instance. Even otherwise, the determination had to revolve around the legal representatives of Ratan Shedge. The impugned order does not reflect such consideration. It proceeds on an irrelevant basis. The error goes to the root of the matter and renders the decision unsustainable.

9. For the reasons aforesaid, the impugned order cannot stand scrutiny. It is accordingly quashed and set aside. The matter shall stand remitted to the society for fresh consideration strictly in accordance with Section 30 of the Act and in the light of the observations made herein.

10. Rule is made absolute in terms of prayer clause (A).

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

(AMIT BORKAR, J.)