

MPBalekar

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

**WRIT PETITION NO. 15439 OF 2025
WITH
WRIT PETITION (ST) NO. 39747 OF 2025**

Ganesh Shankar Landge ... Petitioner
V/s.
Divisional Joint Registrar of
Co Op. Society Pune and Ors. ... Respondents

S.S. Panchpor for the petitioner.

S.D. Chipade, AGP for the State – respondent Nos. 1 &
2.

Mr. A.M. Patil for respondent No. 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2026

P.C.:

1. The dispute in this writ petition arises from proceedings under Section 23(2) of the Maharashtra Co operative Societies Act, 1960. The housing society had filed an appeal against an order of the Appellate Authority which directed that membership be granted to the petitioner. The Revisional Authority set aside that order and remanded the matter to the first authority with a direction to scrutinize the registered document on the basis of a forensic report. It is this order of remand which is under challenge.
2. The legal position on this issue is clear. When an applicant seeks membership of a society on the strength of a registered document, the society has no choice but to treat that document as

valid for the limited purpose of considering membership. The authority under Section 23(2) cannot sit in judgment over the genuineness or validity of a registered instrument. Registration carries a presumption of legality. If the society or any other person claims that such document is forged or fabricated, the law provides a separate remedy. The aggrieved party must approach a competent civil court or initiate appropriate substantive proceedings to challenge the document and seek to nullify its effect. In an inquiry under Section 23(2), the authority has limited jurisdiction. It cannot order forensic examination of a registered document. Such an exercise travels beyond the scope of the provision and is not supported by the statute. For this reason, the order of remand directing forensic scrutiny is legally unsustainable. The impugned order dated 25 September 2025 passed by the Divisional Joint Registrar in Revision Application No. 180 of 2024, therefore, cannot stand and deserves to be quashed. The revision application is restored to the file of the Divisional Joint Registrar for fresh decision in accordance with law, within the limits of jurisdiction under Section 23(2).

3. There cannot be any inquiry to examine the authenticity of the signature of the transferor on the application for membership. Under the scheme of the Act and the Rules, the application for membership is required to be signed only by the person who seeks membership. The transferor is not a statutory applicant. Therefore, the presence or absence of the transferor's signature, or any doubt about its authenticity, is wholly irrelevant for deciding an application under Section 23. Any inquiry directed towards

verification of such signature travels beyond the scope of the provision and is not supported by law.

4. The parties shall appear before the Revisional Authority on 19 January 2026 at 10.30 a.m. The Revisional Authority shall decide the revision application within two weeks from the date of appearance of the parties. All contentions of both sides are kept open.

5. The writ petition stands disposed of in above terms.

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6. Not on board, taken on board.

7. In view of judgment in the above writ petition, the present writ petition stands disposed of.

(AMIT BORKAR, J.)