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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17645 OF 2025

Atul Barot & Ors. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

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GANESH
KULKARNI

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Mr. Siddhanrh Samantray with Ms. Purva Basrur for
the petitioners.

Mrs. V.R. Raje, AGP for State.

Ms. Shraddha Rane for respondent No.7.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2026

P.C.:

1. This writ petition challenges an order passed by the revisional authority. By that order, the revisional authority has sent the matter back to the Authorized Officer under Section 88 of the Maharashtra Cooperative Societies Act, 1960. The revisional authority allowed the revision filed by the petitioners and recorded a clear finding that Rule 72 of the Maharashtra Cooperative Societies Rules, 1961 was not followed. The remand was ordered only for curing this defect. The finding is based on the record placed before the revisional authority.

2. A plain reading of the impugned order shows that it operates in favour of the petitioners. Their revision application has been allowed. The earlier proceedings have not been confirmed. Instead, the Authorized Officer has been directed to reconsider the

matter after complying with Rule 72. Therefore, no adverse consequence flows from the impugned order against the petitioners.

3. The main grievance raised by the petitioners is that proceedings under Section 83 of the MCS Act could not have been initiated at all. According to them, the request for inquiry did not come from one fifth of the total members of the society, which is a mandatory requirement under Section 83. This contention relates to the very initiation of proceedings under Section 83.

4. Such a contention could have relevance if the present proceedings were challenging the legality of the inquiry or the report under Section 83 of the MCS Act. However, that is not the case here. The present writ petition arises only from an order passed under Section 88 of the MCS Act. The scope of these proceedings is limited to examining the decision making process of the Authorized Officer under Section 88. In such proceedings, the Court cannot go behind and examine the validity of the initiation of inquiry under Section 83. That issue does not arise from the impugned order. Moreover, the revisional authority has already granted relief to the petitioners by setting aside the earlier order and remitting the matter. When the order under challenge is in their favour, there is no cause to invoke writ jurisdiction.

5. For these reasons, the writ petition cannot be entertained.

6. The writ petition accordingly stands dismissed. No costs.

(AMIT BORKAR, J.)