



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3869 OF 2023
WITH
INTERIM APPLICATION NO.3315 OF 2025
IN
WRIT PETITION NO.3869 OF 2023

Sachin Ghag and Anr.

...Petitioners

V/s.

Deputy Registrar, Co-operative
Societies, Thane and Ors.

...Respondents

Mr. Suraj Naik *for the Petitioners.*

Mr. Hamid Mulla, *AGP for the Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 8 JUNE 2026.

P.C.:

1) Petition challenges order dated 18 September 2019 passed by the Hon'ble Minister, Co-operation, State of Maharashtra, Mumbai (**Hon'ble Minister**) dismissing Revision Application No.712 of 2018 and confirming the order dated 14 August 2018 passed by the Divisional Joint Registrar, Co-operative Societies, Thane (**Divisional Joint Registrar**) and order dated 19 March 2016 passed by the Deputy Registrar, Co-operative Societies, Thane (**Deputy Registrar**). By order dated 19 March 2016 the

Deputy Registrar had directed the Society to admit Respondent No.2 as a member in respect of the flat in question.

2) Heard Mr. Naik, the learned counsel appearing for the Petitioners and Mr. Mulla, the learned AGP for the Respondent-State and considered the submissions canvassed by them.

3) Petitioners claim that they have also purchased the flat in question from the Developer by paying the full amount of consideration. Petitioners claim that they are in exclusive possession of the flat in question. However, perusal of orders passed by the Deputy Registrar, Divisional Joint Registrar and Hon'ble Minister would indicate that Respondent No.2 has purchased the flat in question through registered Agreement for Sale. Whereas the document, on the strength of which Petitioners claim ownership in respect of the flat, is unregistered. It appears that the Petitioners have filed Special Civil Suit No.664 of 2016 before the Court of Civil Judge, Senior Division, Thane, *inter alia* challenging registered Sale Deed dated 21 November 2013 executed in favour of Respondent No.2.

4) It is well settled position that mere admission of a person as a member of a co-operative Society does not make him/her owner of the flat /unit. Ultimately, the issue of ownership can be decided by the Civil Court *dehors* of the factum of admission of a person as a member of co-operative society. In the present case also issue of title will be decided by the Civil Court in Special Civil Suit No.664 of 2016. As of now, Respondent No.2 is granted membership in respect of the flat in

question. In case Petitioners succeed in Special Civil Suit No.664 of 2016, necessary changes in the membership register can always be effected.

5) In view of the above, I do not find any valid reason to interfere in the impugned orders passed by the Deputy Registrar, Divisional Joint Registrar and Hon'ble Minister. Writ Petition is accordingly **dismissed**. However, it is clarified that Special Civil Suit No.664 of 2016 shall be decided uninfluenced by the observations made by the Deputy Registrar, Divisional Joint Registrar, Hon'ble Minister and by this Court.

6) With the dismissal of the Writ Petition, nothing would survive in the pending Interim Application, which is also disposed of.

[SANDEEP V. MARNE, J.]