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

WRIT PETITION NO.3722 OF 2026

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Dashrath Raoji Palav

... Petitioner

V/s.

The Divisional Joint Registrar, Coop.
Societies, Mumbai Division & Others

... Respondents

Mr. Shreepad Murthy with Mr. Abhishek Patil, and Mr.
Sahil Wagh i/by Mr. Dipak Khilari for the petitioner.

Smt. A.A. Purav, AGP for respondent Nos.1 and 2-State.

Mr. Prashant P. Kulkarni with Ms. Rachna Mamnani and
Mr. Subhash Yadav for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : MARCH 25, 2026

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. The present writ petition arises from a revision application which came to be filed by the society, questioning the order dated 11 June 2025 passed by the Assistant Registrar while exercising powers under Section 83 of the Maharashtra Cooperative Societies Act, 1960. The said provision enables the authority to order an inquiry into the constitution, working, and financial condition of a society. In the present case, what is seen from the record is that the Assistant Registrar has only directed that an inquiry be conducted and for that purpose an inquiry officer has been appointed. At this stage, there is no finding recorded against any person. There is no

determination of rights. It is only a step to collect facts and examine the functioning of the society.

3. When the nature of this order is carefully considered, it becomes clear that such an order is only of a preliminary character. It does not decide anything finally. It does not impose any liability. It does not visit any civil consequences by itself. The scheme of Section 154 of the MCS Act shows that revisional powers are meant to be exercised against decisions or orders which have some element of finality or which affect rights of parties in a definite manner. An order merely directing inquiry does not fall in that category. It is simply a starting point of a process. Therefore, it cannot be treated as a “decision” or “order” within the meaning of Section 154.

4. At the same time, it is also necessary to see who can be said to be an aggrieved person. The inquiry under Section 83 is generally directed against the conduct of the managing committee or persons responsible for the affairs of the society. If at all anyone is to be affected, it would be those individuals whose actions are under scrutiny. The society as a body is not being condemned at this stage. It is only being subjected to an examination of its affairs. Hence, the society cannot claim that it has suffered any legal injury merely because an inquiry is ordered. The concept of “aggrieved person” requires some direct and immediate prejudice. That element is absent here.

5. In this view of the matter, the revision application filed by the society itself was not maintainable. The revisional authority

ought to have first examined whether such a revision could be entertained at all. Entertaining a revision against a preliminary step like ordering an inquiry amounts to exercising jurisdiction which the law does not permit. Once the very assumption of jurisdiction is found to be incorrect, the order passed in revision cannot stand.

6. For these reasons, the impugned revisional order is liable to be set aside. The original order dated 11 June 2025 passed by the Assistant Registrar under Section 83, being only an order directing inquiry, remains unaffected. The writ petition, therefore, succeeds.

7. Rule is made absolute in terms of prayer clauses (a) and (b). There shall be no order as to costs.

(AMIT BORKAR, J.)