



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17779 OF 2025

WITH

INTERIM APPLICATION NO. 3971 OF 2026

IN

WRIT PETITION NO. 17779 OF 2025

Suraj Shankar Gadkar

...Petitioner

V/s.

Hit-Niketan Co-Operative Housing
Society Ltd. And Ors

...Respondents

Mr. Santosh Gadkar *for Petitioner.*

Mr. A. C. Bhadang, *AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.

DATED: 15 JUNE 2026.

P.C.:

1) The Application is filed for expediting the hearing of the Petition, which is admitted by order dated 10 February 2026. While admitting the Petition on 10 February 2026, this Court has directed that the Petition would be taken up for final hearing in regular course. In that view of the matter, filing of the Application for expeditious final hearing of the Petition is not appreciated. However, considering the limited issue involved in the Petition, the Petition is taken up for final hearing forthwith.

- 2) Interim Application is accordingly **disposed of**.
- 3) The Petition challenges order dated 27 October 2025 passed by the Divisional Joint Registrar, Co-operative Society, Mumbai (**Division Registrar**) allowing Revision Application No. 310 of 2025 and setting aside order dated 14 July 2025 passed by the Assistant Registrar Co-operative. By order dated 14 July 2025, the Assistant, had held the then Chairman, Secretary and Treasurer responsible under Section 154B- 23 (1)(iii) Maharashtra Co-operative Societies Act, 1960 (**MCS Act**) and disqualified them for being committee members for a period of five years.
- 4) I have heard Mr. Gadkar, the learned counsel appearing for the Petitioner and Mr. Bhadang, the learned AGP appearing for the Respondent Nos. 2 and 3.
- 5) The Petitioner approached the Assistant Registrar with a grievance of non supply of demanded documents and on that count, sought disqualification of the Chairman, Secretary and Treasurer of the society. However, perusal of the order passed by the Divisional Joint Registrar would indicate that several documents are already supplied to the Petitioner, which is clear from following findings recorded by the Divisional Joint Registrar in the order dated 27 October 2025:

On the aforesaid grounds, from the copy of outward register, it seems that the Complainant Mr. Gadkar has received SRA File (63 papers) & SRA File (74 papers) on 28/01/2023, Mr. Bhise Tiaa File on 09/03/2023 and Pentacle Co. (3 files) on 16/03/2023 for inspection which were again received by the society. Further, it appears that the society has filed written statement and oral statement before the

Respondent Assistant Registrar. However, the Respondent Assistant Registrar while passing the impugned order u/s 154B-23(1)(iii) has overlooked the above explanation given by the Applicant society. Further, the Respondent Assistant Registrar has passed the impugned order without perusing documents filed by the Applicants. Therefore, I am of the view that the impugned order suffers legal infirmity & violation of principle of natural natural justice.

6) The learned counsel appearing for Petitioner submits that the Petitioner had demanded different documents with a letter dated 11 August 2023. I have accordingly perused Petitioner's requisition vide letter dated 11 August 2023, which reads thus:-

I require the copy of the following documents for my knowledge,

1. Legal opinion letter or document given by advocate to our society, Stating that society has no rights on future FSI.
2. Copy from the Sub-Registrar indicating the names of the present Managing Committee members and their designation.

So I request you to provide me the copy of above documents as soon as possible.

7) The language used in the letter dated 11 August 2023 makes it difficult to comprehend the exact documents sought to be requisitioned. Upon being queried in respect of the exact document sought at serial No. 2 of letter dated 11 August 2023, Mr. Gadkar submits that Petitioner had requisitioned the communication made to Sub-registrar in respect of names of the managing committee members. However letter dated 11 August 2023 does not indicate so. The documents enumerated in the letter dated 11 August 2023 are thus clearly vague. Drastic order disqualifying elected members cannot be passed when substantial documents were already supplied and the

request in respect of rest of the documents was vague. The Divisional Join Registrar has rightly set aside the order of the Assistant Registrar.

8) Considering the above position, this Court is not inclined to interfere the impugned order.

9) Writ Petition is accordingly **dismissed**. Rule is discharged.

10) There shall be no order as to costs.

[SANDEEP V. MARNE, J.]