IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4467 OF 2026
WITH
INTERIM APPLICATION NO.5466 OF 2026

Dhananjay Bhaskar Rane ... Petitioner/Applicant
versus
Mathura Bhavan Co-op. Hsg.Soc. Ltd.
and Ors. … Respondents

Mr. Ashutosh Tripathi with Ms. Jyoti Agrahari i/by Legal Point, for Petitioner.
Ms. Anima Mishra with Mr. Anuj Singh, Ms. Ritu Singh, Mr. Kuldeep Shekhawat i/by Dhaara Legal, for Respondent Nos.1 and 2.
Mr. Mohit Jadhav, Addl. Govt.Pleader, for State.

CORAM: N.J.JAMADAR, J.

DATE : 6 OCTOBER 2026

ORDER :

1. Heard the learned Counsel for the parties.

2. This Petition assails the legality, propriety and correctness of a judgment and order dated 26 November 2025 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai in Appeal Nos.90 of 2025 and 91 of 2025, whereby the appeals preferred by Respondent No.2, the former Secretary of Respondent No.1 Society, came to be allowed by setting aside the order dated 13 March 2025 passed by the Assistant Registrar removing members of the Committee of Respondent No.1 Society under Section 78A(1)(b) of the Maharashtra Co-operative Societies Act, 1960 and, the subsequent order dated 17 March 2025, appointing an Authorized Officer to

manage the affairs of the Society under Section 77A(1)(b-1) of the Act.

3. The Petitioner is one of the members of the Respondent No.1 Society. On the complaint lodged by Respondent No.3, the Assistant Registrar was persuaded to initiate an action under Section 78A of the Act, 1960. Finding that the committee of Respondent No.1 Society, was managing the affairs of the Society in disobedience of an order passed by this Court in WP(L) No.1883 of 2019 dated 16 September 2019, thereby restraining the then Managing Committee of the Society from taking any major decisions, the Assistant Registrar removed the members of the committee of Respondent No.1 society under Section 77A (1)(b) of the Act, 1960. Consequently, holding that there was a stalemate in the management of the affairs of Respondent No.1 Society, the Assistant Registrar in exercise of his powers under Section 77A(1)(b-1), appointed a retired Government Auditor as an Authorized Officer to manage the affairs of the Society.

4. In the appeals, the Divisional Joint Registrar was persuaded to interfere with the order passed by the Assistant Registrar.

5. Learned Counsel for the Petitioner submitted that, despite the order passed by this Court on 16 September 2019 in WP(L) No.1883 of 2019, the then managing committee of the society has taken policy decisions and had indulged in various acts of commission and omission. Thus, the Divisional Joint Registrar was clearly in error in interfering with the well reasoned order

passed by the Assistant Registrar.

6. The aforesaid submission does not merit countenance. A bare perusal of the orders passed by the Assistant Registrar indicates that the respective orders were passed in breach of express statutory provisions. Before passing of an order under Section 78A, the Registrar is enjoined to have an effective and meaningful consultation with the federal society to which the society concerned is affiliated. Evidently, the Assistant Registrar had not at all consulted the federal society. Thus, the first order dated 13 March 2025 was not passed in observance of the statutory requirement.

7. The consequent order of appointment of an Authorized Officer under Section 77A(1)(b-1) of the Act, 1960, was also passed without scrupulous compliance of the proviso to the sub-section (1) which mandates the publishing of a notice on the notice board at the head office of the society inviting objections and suggestions with respect to the proposed order and after consideration of all the objections and suggestions received by the Registrar. Nor the Assistant Registrar had recorded adequate reasons to justify the immediate action or to demonstrate that it was not reasonably practicable to publish such notice, as provided under the second proviso to sub-section (1) of Section 77A.

8. In view of the aforesaid legal infirmities in the orders passed by the Assistant Registrar, the Divisional Joint Registrar was well within his rights in

correcting the manifest errors committed by the Assistant Registrar. Thus, in exercise of supervisory jurisdiction, no interference is warranted with the impugned order.

9. Resultantly, the Writ Petition stands dismissed.

10. In view of the dismissal of the Writ Petition, IA No.5466 of 2026 also stands disposed.

(N.J.JAMADAR, J.)

SWAROOP SHARAD PHADKE
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