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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10286 OF 2014  
WITH  
INTERIM APPLICATION NO.11383 OF 2024  
WITH  
INTERIM APPLICATION NO.3287 OF 2022

1. **Ramachandran M,**  
Aged 63 years, Indian Inhabitant,  
R/at Flat No.103, First Floor,  
Secretary of the Matsyaghandha CHS  
Limited, situated at Plot No.C-6 &  
C-7, Sector 20, Nerul,  
Navi Mumbai – 400 706
2. **Matsyaghandha CHS Limited,**  
situated at Plot No.C-6 &  
C-7, Sector 20, Nerul,  
Navi Mumbai – 400 706

... Petitioners

ATUL  
GANESH  
KULKARNI

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ATUL GANESH  
KULKARNI  
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**Vs.**

1. **State of Maharashtra,** through the  
Ministry of Cooperation, Mantralaya,  
Mumbai 400 032      AND  
through the Government Pleader,  
High Court Appellate Side, Bombay
2. Deleted
3. Deleted
4. **Usha Hanmant Wakshe,**  
Age Not known, Adult,  
Indian Inhabitant, Occu.: Not known,  
having Shop Nos.1 and 2,  
Ground Floor, Matsyagandha,



Plot No.C-6 & C-7, Sector – 20,  
Nerul, Navi Mumbai 400 706

**5. Nilesh Laxman Thakur,**  
Age Not known, Adult,  
Indian Inhabitant, Occu.: Not known,  
having Shop No.3 & 4, Ground Floor,  
Matsyagandha, Plot No.C-6 and C-7,  
Sector 20, Nerul, Navi Mujmbai 400  
706

**6. Mohan Kashiram Kadam,**  
Age Not known, Adult,  
Indian Inhabitant, Occu.: Not known,  
having office at 418/419, the Great  
Eastern Gallaria, Plot No.20, Sector 4,  
Nerul, Navi Mumbai 400 706.

**7. The Hon'ble Joint Registrar, Coop.  
Societies, CIDCO Limited,**  
Age not known, Adult,  
Indian Inhabitant, Raigad Bhavan,  
3rd Floor, CBD Belapur,  
Navi Mumbai 400 614

... Respondent

WITH  
WRIT PETITION NO.10193 OF 2014  
WITH  
INTERIM APPLICATION NO.3286 OF 2022

**Mohan Kashiram Kadam,**  
Age 50 years, Occupation Business,  
having office at 418/419, the  
Greater Eastern Galleria, Plot No.20,  
Sector-4, Nerul, Navi Mumbai 400 706

... Petitioner

**Vs.**

**1. Rakhmabai Shankar Thakur**



2. Usha Hanmant Wakshe
3. Nilesh Laxman Thakur
4. Chairman / Secretary,  
Matsyagandha CHS Limited
5. Dilip Krushna Jadhav
6. Ravindra Kumar A. Bankhele
7. C. Venkatesh
8. Ramchandran M.
9. Dilip Krishna Jadhav
10. Dayanand Sharma
11. Tara R. Pillai
12. Baidya Nath Raut
13. Rajendra Y. Hadkar
14. Sultan Singh Saini
15. G. Muralidharan Nair
16. Kuldeep Singh, Mrs. Harbhajan Kaur
17. Karunakaran K., Ratna Karunakaran
18. Praveen Kumar
19. Krishnan R. Iyer
20. Jiji John
21. Dashrath G. Mahapadi,  
Shaila D. Mahapadi
22. Sandeep Radheshyam Shukla
23. Padmaji Anil Shrivastav
24. Veeti Vipul Shrivastav
25. Ushatai T. Rathod
26. Yatishmukar Bansal
27. Satish Vitthal Sawant
28. Shankar Changa Thakur



29. The Joint Registrar, Coop.  
Societies, CIDCO

30. The State of Maharashtra

... Respondents

Mr. Shreepad Murthy i/by Mr. Amarnath R. Bhatt for the petitioner in WP/10286/2014 & for the applicant in IA/11383/2024 & IA/3287/2022 for the petitioners.

Mr. Kishor Patil with Mr. Pratik Rahade, Mr. Anish Kikle and Ms. Akshada Nagrale for the petitioner in WP/10193/2014 & for respondent No.6 in WP/10286/2014.

Mr. A.A. Alaspurkar, AGP for respondent No.1-State in WP/10286/2014 & for respondent Nos.29 and 30 in WP/10193/2014.

Mr. Surel Shah, Senior Advocate with Mr. Abhiman Patil for respondent Nos.4 and 5.

**CORAM** : AMIT BORKAR, J.

**RESERVED ON** : APRIL 6, 2026.

**PRONOUNCED ON** : APRIL 8, 2026

**JUDGMENT:**

1. By the present writ petitions instituted under Articles 226 and 227 of the Constitution of India, the petitioners call in question the legality and correctness of the judgment and order dated 12 September 2014 passed by Respondent No.1. By the said impugned order, the authority has set aside the order dated 10 March 2014 passed by the Joint Registrar of Co-operative Societies, whereby the application seeking de-registration of the society was rejected. Consequentially, the impugned order allows



the de-registration of the society, which action is assailed in the present proceedings.

2. Writ Petition No.10286 of 2014 has been preferred by the members of the concerned co-operative society. Writ Petition No.10193 of 2014, on the other hand, has been instituted by the promoter of the building, who had undertaken construction of the building and effected sale of the flats in his capacity as promoter.

3. The factual matrix giving rise to the present writ petitions, as pleaded by the petitioners, may be stated thus. The subject co-operative society came to be registered on 8 March 2011 under Section 10 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. The registration bears No.3802. The entire flats in the building were sold by the promoter, Mohan Kashiram Kadam, under duly registered agreements in accordance with the provisions of MOFA. The society consists of 20 residential flats and 4 commercial shop premises. It is the case of the petitioners that on 1 April 2003, a lease agreement was executed by CIDCO in favour of the original land owners, namely Shankar Thakur and his wife Rakhmabai Thakur, jointly. The said lease transaction was thereafter confirmed by a document dated 17 March 2011. It is further stated that Rakhmabai Thakur executed a General Power of Attorney in favour of her husband on 27 June 2003 authorising him to deal with the subject plots. Thereafter, on 9 August 2003, an application for development permission was submitted. Navi Mumbai Municipal Corporation granted a commencement certificate on 30 October 2003. Subsequently, on 6 December



2003, a development agreement came to be executed between the land owners and the developer, Mohan Kashiram Kadam, on a principal to principal basis. On the same date, a power of attorney was also executed by the land owners in favour of the developer to facilitate development of the property.

4. The petitioners contend that during the period 2005 to 2006, all residential flats were sold by the developer. The commercial shop premises were subsequently sold in the year 2010, and possession thereof was handed over to the respective purchasers. CIDCO issued an occupation certificate on 11 August 2006. All 20 flat purchasers took possession upon payment of full consideration under registered agreements. As the society was not formed within a reasonable time, the purchasers approached the Consumer Forum at Thane by filing a complaint on 24 July 2009. By order dated 18 November 2009, the Consumer Forum directed the promoter, Mohan Kashiram Kadam, to take steps for registration of the society.

5. Pursuant thereto, an application for registration of the society was submitted before the Registrar on 9 February 2011. Thereafter, on 4 July 2011, the society filed an application for deemed conveyance under Section 11(3) of MOFA. The said application came to be heard by the District Deputy Registrar on 27 November 2011 and again on 8 March 2012.

6. In the interregnum, on 6 February 2012, two documents, namely a gift deed and an agreement for sale, purportedly came to be executed in favour of Respondent Usha Vakshe and one Thakur.



The petitioners contend that these documents are suspicious in nature. A criminal complaint in respect thereof was lodged on 7 September 2012. An application for anticipatory bail filed in January 2013 came to be rejected by the Sessions Court at Thane.

7. It is further the case that a civil suit was instituted by the original purchasers of the shop premises against the present respondents. On 7 September 2012, Rakhmabai Thakur lodged a criminal complaint alleging fabrication of documents against the developer. Thereafter, on 23 November 2012, she instituted proceedings before the competent Court against the developer and others alleging forgery of the development agreement. Independently, she along with two non-members moved an application on 21 November 2012 before the Joint Registrar seeking de-registration of the society. By order dated 7 December 2012, the Court directed registration of FIR and investigation into the allegations.

8. The Joint Registrar, upon consideration of the material on record, rejected the application for de-registration by a detailed and reasoned order dated 10 March 2014. Aggrieved thereby, Rakhmabai Thakur along with two non-members preferred an appeal on 25 July 2014 before the Co-operative Minister. By the impugned order dated 12 September 2014, the Minister allowed the appeal and directed de-registration of the society.

9. Being aggrieved, the promoter Mohan Kashiram Kadam instituted a writ petition on 11 November 2014 challenging the order passed under Section 156(3) of the Code of Criminal



Procedure and the consequential FIR. On the same day, the society also filed a separate writ petition impugning the order dated 12 September 2014. Both writ petitions came to be admitted by this Court and interim reliefs were granted.

10. During pendency of the proceedings, Shankar Thakur expired in November 2018. His legal heirs did not seek impleadment in the present proceedings, stating that they had no subsisting grievance. Rakhmabai Thakur subsequently withdrew her complaint alleging forgery against the developer on 20 February 2022 before the Magistrate at CBD Belapur, with full awareness of the consequences. The said withdrawal was duly witnessed and signed by her two sons. By order dated 28 February 2022, the Magistrate permitted withdrawal and dismissed the complaint. Rakhmabai Thakur, also known as Rukhmini, thereafter expired on 23 October 2022. These developments were brought to the notice of this Court during hearing of Interim Application No.11383 of 2024 on 15 October 2025.

11. When the writ petitions were taken up for final hearing on 15 October 2025, the demise of both original land owners was formally recorded. An application seeking deletion of their names from the array of parties was moved and the same was allowed by this Court. The writ petitions are presently contested only by Respondents Usha Hanumant Wakshe and Nilesh Laxman Thakur. It is an admitted position that both of them are not members of the petitioner-society, though they claim to be in possession of two shop premises situated in the building of the said society.



12. Mr. Murthy, learned Advocate appearing for the petitioners in Writ Petition No.10286 of 2014, submitted that the enquiry undertaken by the appellate authority while passing the order of de-registration travels beyond the scope and ambit of Section 21-A of the Maharashtra Co-operative Societies Act, 1960. By inviting attention to the impugned order, he contended that the primary consideration which weighed with the appellate authority was the authenticity and validity of the title documents executed by the land owners in favour of the developer. According to him, having regard to the statutory scheme under the MCS Act, the examination of title documents of the developer, at the stage of registration of a co-operative housing society under Section 10 of the Maharashtra Ownership Flats Act read with the provisions of the MCS Act, is wholly impermissible and falls outside the jurisdiction of the Registrar. He submitted that issues relating to the genuineness and validity of documents such as development agreements, powers of attorney and title certificates are already the subject matter of substantive civil proceedings. Therefore, such adjudication could not have been undertaken by the Registrar, and consequently the appellate authority could not have directed de-registration of the society under Section 21-A of the MCS Act in the absence of any material establishing fraud or misrepresentation. In support of the aforesaid submissions, reliance was placed on the judgment of this Court in *Rameshwar Cooperative Housing Society Limited vs. Divisional Joint Registrar, Cooperative Societies*, reported in 2025 SCC OnLine Bombay 2017.



13. It was further submitted that the promoter-developer, Mohan Kashiram Kadam, had paid valid consideration to the land owners and had undertaken construction of the building in accordance with plans duly sanctioned by CIDCO. Thereafter, all flats and shop premises were sold to purchasers, largely through institutional finance obtained from approved banking channels. It was pointed out that the four shop purchasers had not taken possession of their respective premises till the year 2012, and during this period, the said premises came to be occupied by Respondents Usha Hanumant Wakshe and Nilesh Laxman Thakur, who set up rival claims. It was further contended that Shankar Thakur, one of the land owners and the constituted attorney in respect of the plot, had at no point of time initiated any complaint or proceedings seeking de-registration of the society before any forum. It was urged that Rakhmabai Thakur, after a lapse of nearly nine years from the execution of the development agreement, six years from occupation of the building by purchasers, and two years after the order of the Consumer Forum, lodged a complaint which, according to the petitioners, was devoid of substance and which ultimately came to be withdrawn unconditionally before the Magistrate on 20 February 2022. It was emphasized that no civil proceedings have been instituted against the society or the flat purchasers by any person. It was, therefore, contended that no case of fraud or misrepresentation, as contemplated under Section 21-A of the MCS Act, is made out, and that the appellate authority has allowed the appeal solely on the ground that an FIR had been registered.



14. Mr. Shah, learned Senior Advocate appearing for Respondent Nos.4 and 5 along with Mr. Patil, learned Advocate appearing for the petitioner in Writ Petition No.10286 of 2014, supported the impugned order by contending that the registration of the society itself was vitiated, inasmuch as the land owners were not impleaded as parties to the registration proceedings. Inviting attention to Rule 4 of the Maharashtra Co-operative Societies Rules, 1961, it was submitted that the procedural scheme contemplated under the said Rule was not duly complied with by the proposed society at the time of seeking registration. It was further contended that there is inconsistency with regard to the identity of the chief promoter. While one Dilip Jadhav was shown as the promoter in the proposal submitted for registration, a different individual is reflected as the chief promoter in the writ petition. According to the learned counsel, such discrepancy, coupled with non-compliance of Rule 4, goes to the root of the matter and amounts to fraud or misrepresentation within the meaning of Section 21-A of the MCS Act. In support of this contention, reliance was placed on the judgment of this Court in *Waghamay Mahila Machchimar Sahakari Sanstha Maryadit, Botha (SA) vs. Commissioner of Fisheries, Taraporevala Aquarium, Mumbai & Others*, reported in 2020 (1) Mh.L.J. 864.

15. In rejoinder, Mr. Murthy submitted that the issue as to whether the person acting as chief promoter possessed the requisite authority is essentially an internal matter of the society. Once the society has accepted that the person who submitted the proposal had due authority, any alleged defect in that regard



would not fall within the ambit of fraud or misrepresentation under Section 21-A. It was further submitted that the co-owners who executed documents in favour of the developer have not themselves questioned the authenticity or validity of such documents, and in any event, the issue is already sub judice in pending civil proceedings. On these premises, it was urged that the challenge raised in the present proceedings deserves to be rejected.

16. I have given my anxious consideration to the rival submissions and to the material placed before the Court. The matter turns on the question whether the appellate authority was justified in invoking Section 21-A of the Maharashtra Cooperative Societies Act, 1960 and directing de-registration of the society.

17. The first submission of Mr. Murthy is that the appellate authority has gone much beyond what law allows it to do. He contends that the authority was required to see only whether there was any clear case of fraud or false statement at the time when the society was registered. But instead of doing that limited exercise, the authority started examining whether the development agreement was genuine, whether the power of attorney was properly executed, and whether the title documents in favour of the developer were correct or not. According to him, this type of enquiry is not permitted under Section 21-A. When I consider this submission, it appears to have force. Section 21-A does not give a wide and unlimited power to reopen everything. It is meant only for situations where the very registration of the society is based on some false statement or suppression of important fact. It is not meant to decide each and every dispute connected with property. If



such wide enquiry is allowed, then every society registration can be questioned again and again on different grounds. That cannot be the intention of law. Many times, after development, disputes arise between land owner and developer, or between purchasers and some third parties. These disputes may relate to title, documents, or internal matters. But such disputes are normally to be decided by civil courts in proper proceedings. They cannot be brought inside Section 21-A proceedings to cancel the registration itself. If the society was otherwise properly formed, members had purchased flats, possession was given, and basic requirements were satisfied, then later disputes about documents cannot automatically make the registration illegal. Therefore, the authority was required to see only whether there was any fraud at the time of registration, and not to examine the entire title history like a civil court.

18. This understanding becomes more clear when one looks at the principle laid down in the case of *Rameshwar Cooperative Housing Society Limited*. In that case, it is clearly stated that the Registrar must first find a real and clear case of misrepresentation. Not every mistake or omission will do. The misrepresentation must be of such a nature that without that false statement, the society would not have been registered at all. In other words, the falsehood must go to the root. It must be the very reason why registration was granted.

19. If this test is applied to the present facts, the position becomes quite clear. Even if it is assumed that there are disputes about development agreement or power of attorney, the question



still remains whether these issues would have prevented registration of the society at the first instance. The material placed does not show that. The society was formed by purchasers who had bought flats and taken possession. The building was already constructed. The registration was not based only on the correctness of title documents of the developer. It was based on existence of flat purchasers and their collective right to form a society. Therefore, even if some dispute about documents exists or even if a civil suit is pending, it does not follow that the society could not have been registered. At the most, such disputes may show that some issues are still open between parties. They may require detailed evidence and adjudication before a competent civil court. But they do not satisfy the requirement of misrepresentation under Section 21-A. The law requires something more serious. It requires a finding that the registration itself was obtained by deception. That element is missing here. Therefore, when the appellate authority proceeded to cancel the registration mainly by going into title disputes and document validity, it applied a wrong test. On the material available, it cannot be said that but for any alleged misstatement, the society would not have been registered. Hence, the conclusion reached by the appellate authority does not appear to be legally sustainable.

**20.** The factual background also supports the view taken by this Court. It is not in dispute that the building was constructed by the promoter only after obtaining proper sanction of plans from CIDCO. This is important because it shows that the construction itself was not illegal or unauthorized at the beginning. Thereafter,



an occupation certificate came to be issued on 11 August 2006, which again indicates that the competent authority was satisfied about completion of construction in accordance with law. The flats were sold during the period 2005 to 2006, and the shops were also sold later. The purchasers paid full consideration and took possession. These are not disputed facts. The society came to be registered much later, on 8 March 2011, and even thereafter, an application for deemed conveyance was filed on 4 July 2011.

**21.** If these events are put in proper sequence, it becomes clear that the society was formed after real transactions had already taken place. The building was standing. People had purchased flats. They had entered into registered agreements. They were in possession. Only thereafter they came together to form a society. This shows that the society has its roots in actual possession and actual enjoyment of property by members. It is not a case where a society was floated first and then used as a device. Because of this, it becomes difficult to accept that the registration itself was obtained by playing fraud on the authority. Fraud, in such matters, must go to the beginning. Here the beginning itself is supported by completed construction, occupation certificate, and possession of members. Therefore, the factual background does not support the case of de-registration.

**22.** Mr. Murthy has also pointed out that one of the land owners, Shankar Thakur, never raised any objection at any point of time. He neither challenged the development nor moved any authority for de-registration of the society. This aspect has its own weight. When a person who is party to the original transaction and who



has executed documents does not dispute the arrangement, then challenge by others becomes weaker. It is not that such challenge is always barred, but the Court has to see it with more care. Further Rakhmabai Thakur raised allegations after a long gap. The development agreement was of the year 2003. The building was already occupied by the purchasers. Even the Consumer Forum had passed an order in 2009 directing registration of the society. Despite all this, the complaint alleging forgery was filed much later. Delay by itself may not be fatal in every case. But when allegations of fraud are made after many years, the Court expects some strong supporting material. Fraud is a serious allegation. It cannot rest on suspicion. In the present case, apart from making allegations, no such strong material is shown which can justify a conclusion that the entire registration was based on deceit. Therefore, the delay, coupled with lack of convincing material, makes the case of the respondents weaker when they seek such relief of de-registration.

**23.** Another important circumstance is that the complaint alleging forgery was later withdrawn before the Magistrate on 20 February 2022. The record shows that this withdrawal was made consciously and was also signed by her sons. The Magistrate dismissed the complaint on 28 February 2022. It is true that this Court is examining the legality of the impugned order on the basis of the material which was available before the authority at that time. Therefore subsequent events cannot fully control the outcome. Still such later conduct cannot be ignored completely. When the very person who made serious allegations later



withdraws them, it creates doubt about the strength of those allegations. In such a situation, the Court must be cautious. De-registration of a society is not a small matter. It affects rights of many members who have purchased flats and are residing there. Therefore unless there is clear and independent material showing fraud at the time of registration, the Court should not uphold such drastic action. Here, apart from the withdrawn complaint, no strong independent material is placed to show that registration was obtained by misrepresentation. Hence, this circumstance also goes against sustaining the impugned order.

**24.** The respondents have argued that the society was registered without making the land owners parties and that there was non-compliance with Rule 4 of the Maharashtra Cooperative Societies Rules, 1961. They further contend that there is confusion about the identity of the chief promoter, and therefore the entire proposal is doubtful. According to them this itself amounts to fraud or misrepresentation. However, this argument appears too broad and cannot be accepted in the facts of the present case. Rule 4 is a procedural provision. It lays down the manner in which a proposal for registration should be submitted. Its purpose is to ensure that the process is orderly and transparent. But every defect in procedure does not amount to fraud. Law makes a clear distinction between irregularity and illegality. For invoking Section 21-A, something more is required. There must be a false statement or suppression of fact which is so material that the Registrar would have refused registration if the true facts were known. In the present case, the society consists of persons who have purchased



flats and shops, paid consideration, and are in possession. This basic fact remains unchanged. The alleged discrepancy regarding the name of the chief promoter, or non-joining of land owners at the stage of registration, does not by itself show that the society was not entitled to be registered.

**25.** At the highest such defects may call for explanation. They may be relevant in some internal dispute. But they do not strike at the root of the registration. They do not show that the society came into existence by playing fraud on the authority. Therefore, these objections raised by the respondents do not satisfy the strict requirement of misrepresentation under Section 21-A.

**26.** It is also necessary to notice one more aspect which goes to the root of the matter. The objection raised about the authority of the person who submitted the proposal for registration is, in truth, an internal issue of the society. Mr. Murthy has rightly pointed out that once the members of the society themselves accept that person as their representative and proceed on that basis, the matter remains within the internal functioning of the society. In such situations, even if there is some defect in authorization, it does not automatically become fraud. At the highest it may create some doubt about whether proper internal procedure was followed or not. But law does not treat every such doubt as misrepresentation. For invoking Section 21-A, the defect must be of serious nature. It must be such that because of that defect, the Registrar was misled into granting registration which otherwise would have been refused. If the society was otherwise eligible and the members were genuine purchasers who came together to form



a society, then a defect in authorization of one individual cannot destroy the entire registration. The appellate authority appears to have taken a different approach. It has treated each irregularity as if it amounts to fraud. This approach is not in accordance with law. Law requires a clear distinction between procedural lapse and actual deception. That distinction has not been properly maintained.

**27.** The respondents have also tried to justify the impugned order by contending that the developer had no right to undertake development or that the land owners were necessary parties who were not properly involved. Even if one assumes for a moment that there is some dispute between the land owners and the developer, that by itself does not mean that the society formed by flat purchasers becomes illegal. A co-operative housing society is not formed to decide disputes of title between land owner and developer. It is formed by purchasers for managing their building, their common facilities, and their collective rights.

**28.** In the present case, the purchasers had already bought flats and shops, paid consideration, and taken possession. They came together to form a society for their own management. This is a normal and expected step in housing projects. The existence of such a society cannot be made dependent on final outcome of disputes between land owner and developer. Those disputes can be decided in civil proceedings. In fact it is already on record that such a suit is pending. Once that is so there was no justification for the appellate authority to use those disputes as a ground to cancel the registration itself. That amounts to mixing two separate areas



of law which are required to be kept distinct.

**29.** Another factor which appears to have influenced the impugned order is the lodging of FIR and initiation of criminal proceedings. However, this circumstance has been given more importance than what law permits. A criminal complaint and a de-registration proceeding are not the same. They operate in different fields. A criminal case may be filed on allegation of forgery or cheating, and it will be decided on evidence in accordance with criminal law. But for the purpose of Section 21-A, the authority has to independently examine whether the registration of the society was obtained by misrepresentation. The mere existence of an FIR cannot be treated as proof of fraud. It is only an allegation at that stage. If such reasoning is accepted, then in every case where an FIR is filed, registration of society can be cancelled, which is not the intention of law. There must be a direct connection between the alleged falsehood and the act of registration. It must be shown that the Registrar was misled because of that falsehood. In the present case, such connection is not established. The appellate authority seems to have assumed that since a criminal case exists, fraud must be there. This is not a legally sustainable inference.

**30.** It is also important to again look at the overall sequence of events. The promoter constructed the building after obtaining sanctioned plans. The flats were sold through registered agreements. Occupation certificate was issued. The purchasers took possession and started residing. Only thereafter the society was formed by them. It shows that the society came into existence because there were real purchasers needing collective



management. It was not created for any hidden purpose.

**31.** In such a background, de-registration becomes a very serious and extreme action. It affects rights of several persons who are not even parties to the dispute. Therefore, such power must be used very carefully and only in clear cases where the society had no legal basis to exist from the beginning. Unless the Court is satisfied that the society was never entitled to registration, such drastic step cannot be approved. In the present case, that level of defect is not shown. The material does not indicate that the society was fundamentally illegal.

**32.** I also find considerable merit in the submission that the challenge raised by the respondents is mainly centred around disputes regarding title documents. They have questioned the development agreement, the power of attorney, and other related documents. These issues are already subject matter of civil litigation. Such disputes require detailed examination of evidence, cross-examination of parties, and proper adjudication by a civil court. They cannot be finally decided in summary proceedings like those under Section 21-A.

**33.** The appellate authority, however, appears to have mixed up these two areas. It has treated the dispute about title as if it is a case of fraud in registration. Registration of a society depends on whether persons eligible to form a society have come together and fulfilled basic requirements. It does not depend on final adjudication of all title disputes connected with the property. By entering into those questions and using them as a ground for de-



registration, the authority has applied a wrong test. Such an approach cannot be sustained in law.

**34.** For all these reasons, I am of the view that the impugned order cannot be upheld. The appellate authority has exceeded the scope of Section 21-A by entering into issues of title and document authenticity which are already the subject matter of civil proceedings. No clear case has been shown that the society was otherwise non-registrable and was registered only because of misrepresentation. The material on record does not establish the kind of fraud or deceit that alone can justify de-registration. The writ petitions, therefore, deserve to succeed, and the order dated 12 September 2014 passed by the appellate authority must be set aside, leaving the parties to pursue their civil remedies in accordance with law.

**35.** In the result, the following order is passed:

- (i) Writ Petition No.10286 of 2014 succeeds and is allowed;
- (ii) The impugned judgment and order dated 12 September 2014 passed by Respondent No.1 is hereby quashed and set aside;
- (iii) Consequently, the order dated 10 March 2014 passed by the Joint Registrar of Co-operative Societies rejecting the application for de-registration of the society stands restored;
- (iv) Writ Petition No.10193 of 2014 stands dismissed;



(v) In view of the disposal of the writ petitions, all pending Interim Applications, if any, do not survive and are disposed of as infructuous;

(vi) There shall be no order as to costs.

**(AMIT BORKAR, J.)**