

MPBalekar

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

WRIT PETITION NO. 3206 OF 2026

Vishal T. Lathia and Ors. ... Petitioner
V/s.
Dy. Registrar, R North Ward and Ors. ... Respondents

Mr. Amogh Singh a/w Monika Shekhawat i/by B.
Bhatia for the petitioners.

Mr. Y.D. Patil, AGP, for the State.

Adv. Rachna Mamnani and Ritika Rajeev for
respondent No.9.

Mr. Prashant P. Kulkarni for respondent No.12

CORAM : AMIT BORKAR, J.

DATED : MARCH 10, 2026

P.C.:

1. Leave is granted to add the Deputy Registrar, Co-operative Society, R North Division, Mumbai, as a party in person. Necessary amendment shall be carried out forthwith.
2. The material placed on record, particularly the document at Page No. 249, shows a communication addressed by a Member of the Legislative Council to the Divisional Joint Registrar, Co-operative Society. By this communication, the authority was requested to take action in relation to the concerned society, of which the petitioners are the elected members of the managing committee. A perusal of the impugned order indicates that the said communication has in fact formed part of the record which was

considered while passing the order. The inward register bearing No. 6826 in the office of Respondent No. 1 shows that the said letter was in fact received in his office. The impugned order also makes a reference to this very letter. This indicates that the letter had come on the record and was taken note of while passing the order. The record prima facie indicates that respondent No. 1 has passed the impugned order by taking into account considerations which appear to be extraneous to the statutory proceedings, particularly by taking cognizance of the letter issued by the Member of Legislative Council.

3. In view of this aspect, notice shall be issued to respondent No. 1, returnable on 24 March 2026, calling upon him to explain why action as contemplated in the judgment of the Supreme Court in the case of Union of India vs. K.K. Dhawan, (1993) 2 SCC 56, should not be initiated against him. Respondent No. 1 shall file his personal affidavit within two weeks from today.

4. Until further orders of this Court, the operation and implementation of the order disqualifying the petitioners shall remain stayed.

5. It is stated that the complainant himself has been appointed as the Administrator of the society. In that view, the Administrator shall not take any policy decision. He shall confine his actions only to matters necessary for day to day administration of the society, including payment of salaries to employees and such other routine maintenance activities.

6. Stand over to **24 March 2026**. The matter shall be placed high on board.

(AMIT BORKAR, J.)