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

WRIT PETITION NO.1927 OF 2015

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1. The Malad Cooperative Housing Society Limited, a Society registered under the provisions of Maharashtra Cooperative Societies Act, 1960, bearing registration No.BOM/HSG 38 of 1965, and having its address at 1/9, Poddar Road, Malad (East), Mumbai 400 097

2. Nathmal Govindram Saraf,
(Secretary, Malad C.H.S.L.),
R/at 4/90, Malad Coop. Housing
Society Limited, Poddar Park,
Malad (East), Mumbai 400 097

... **Petitioners**

Vs.

- 1. State of Maharashtra**
- 2. The Divisional Joint Registrar,
Coop. Societies, Mumbai Division,
Mumbai**, Malhotra House, 6th Floor,
Opp. G.P.O., Mumbai 400 001
- 3. The Deputy Registrar of Coop.
Societies**, 'P' Ward, 303, Municipal
Godown Building, Thakur Complex,
Near Sanskriti, 90 Feet Road,
Kandivali (East), Mumbai 400 101
- 4. Radheshyam Ramlal Dhanuka**,
Age 60 years, Occupation Not known,
of Mumbai, Indian Inhabitant,

Residing at 4/31, Malad Coop. Hsg.
Society Limited, Poddar Road,
Malad (East), Mumbai 400 097

... Respondents

Mr. S.U. Kamdar, Senior Advocate i/by Mr. Jeet Gandhi
for the petitioners.

Ms. Sulbha Chipade, AGP for respondent Nos.1 to 3-
State.

Mr. Shrikrishna Ganbavale with Mr. Nikhil Sonar i/by
Mr. Ashok Saraogi for respondent No.4.

CORAM : AMIT BORKAR, J.

RESERVED ON : APRIL 8, 2026.

PRONOUNCED ON : APRIL 18, 2026

JUDGMENT:

1. By the present writ petition instituted under Articles 226 and 227 of the Constitution of India, the petitioners have called in question the legality, correctness, and propriety of the Judgment and Award dated 13 November 2014 passed by Respondent No. 2, namely the Divisional Joint Registrar, Co operative Societies, in Revision Application No. 437 of 2013.

2. The facts giving rise to the filing of the present writ petition, as borne out from the record, may briefly be stated thus. The dispute pertains to Flat No. 31 situated in Building No. 4 of Malad Co operative Housing Society Limited, Poddar Road, Malad East, Mumbai 400097, hereinafter referred to as “the said flat”. It is the case of the parties that late Shri Ramlal Dhanuka and his wife

Bhagirathi Dhanuka had three sons born during the period between 1934 and 1955, namely, Deokinandan Dhanuka also known as D. R. Dhanuka, Kishanlal Dhanuka also known as K. R. Dhanuka, and Radheshyam Dhanuka, who is arrayed as Respondent No. 4 herein. It is the pleaded case that during the period between 1969 and 1970, late Shri Ramlal Dhanuka, from his personal funds and resources and from the proceeds arising out of disposal of certain residential premises situated at Krishna Kunj, acquired various immovable properties in the petitioner society including Flat No. 31, Building No. 4, Flat No. 32, Building No. 4, Shops Nos. 1, 9 and 17 in Building No. 3, and subsequently in the year 1983, Flat No. 12, Building No. 4, in the names of different family members. It is further stated that on 1 June 1970, Share Certificate No. 165 in respect of the suit property being Flat No. 31, Building No. 4 comprising 80 shares bearing Nos. 9261 to 9340 was issued in the joint names of Pannadevi, wife of D. R. Dhanuka, and late Shri Ramlal Dhanuka.

3. It is further the case on record that Smt. Pannadevi, wife of D. R. Dhanuka, was a homemaker and allegedly had no independent source of income. It is contended that from the year 1983 onwards, for maintaining privacy and separate residence of the three sons of late Shri Ramlal Dhanuka, Flat No. 4/31 came to be occupied by Respondent No. 4, namely Radheshyam Dhanuka, Flat No. 4/32 by K. R. Dhanuka, and Flat No. 4/12 by D. R. Dhanuka. It is further stated that late Shri Ramlal Dhanuka and his wife Bhagirathi resided along with Respondent No. 4 in the said suit flat. It is not in dispute that sometime in the year 1989 both

late Shri Ramlal Dhanuka and Bhagirathi expired, leaving behind the aforesaid three sons as their legal heirs. It is further averred that in the year 1991, D. R. Dhanuka, upon being elevated as a Judge of the Bombay High Court, vacated Flat No. 4/12 and shifted his residence to Sarang, Nariman Point, Mumbai.

4. In the year 2007, Smt. Pannadevi Dhanuka acting through her husband D. R. Dhanuka instituted Suit No. 2485 of 2007 before this Court claiming herself to be the sole and exclusive owner of the said flat, namely Flat No. 31, Building No. 4, on the basis of alleged exclusive title. In the said suit, it was specifically pleaded that the other son namely K. R. Dhanuka had never asserted any right, title or interest in the suit flat either as legal heir of late Shri Ramlal Dhanuka or otherwise. By the said proceedings, a declaration was sought that Respondent No. 4 had no right, title or interest whatsoever in the said flat or in the membership rights attached thereto in the petitioner society. During pendency of the aforesaid suit, Smt. Pannadevi expired intestate on 11 May 2008 leaving behind her legal heirs, namely Chanda Premnarayan Goyal, Indira Sanjay Rungta, late Hemant D. Dhanuka, Ramesh D. Dhanuka, Rajendra D. Dhanuka and D. R. Dhanuka. Upon her demise, the said legal heirs were brought on record in the proceedings by Chamber Order No. 1151 of 2008 on 22 July 2008. It further appears that by directions dated 7 March 2009, Respondent No. 3 directed the petitioner society not to deal with the membership rights relating to the said flat until conclusion of the said suit.

5. It is further brought on record that in the 43rd Annual General Meeting held on 28 November 2010, the petitioner society resolved to continue the share certificate in its original names. Thereafter, by order dated 20 January 2012 passed in the said suit, the legal heirs of deceased Pannadevi Dhanuka, who had been substituted in her place, unconditionally withdrew the suit. The consequence thereof was withdrawal and abandonment of all claims raised therein pertaining to title, possession, membership rights, nomination, maintenance and all allegations made against Respondent No. 4 concerning the said flat. According to Respondent No. 4, by virtue of such unconditional withdrawal, the cloud cast over the title and rights of late Shri Ramlal Dhanuka in respect of the said flat stood removed. After withdrawal of the suit, Respondent No. 4 claiming himself to be one of the legal heirs of late Shri Ramlal Dhanuka, submitted an application dated 20 March 2012 to the petitioner society seeking grant of membership in respect of the said flat along with requisite application forms, undertakings, fees and charges. It is alleged that despite receipt of the said application, the petitioner society failed to take any decision thereon for nearly one year and did not communicate any response. In such circumstances, Respondent No. 4 approached Respondent No. 3 on 15 April 2013 seeking declaration of his status as deemed member of the petitioner society.

6. It further appears that on 18 April 2013, the petitioner society adjusted maintenance dues after accounting for refund allegedly payable by the society to Respondent No. 4 and accepted from him cheques towards maintenance charges due up to 31

March 2013 in relation to the said flat. The petitioner society thereafter filed its reply dated 20 May 2013 to the application for deemed membership. It is the contention of Respondent No. 4 that in the said reply no specific objection to his application was raised and no disclosure was made regarding any steps taken by the society on his earlier application. Respondent No. 4 filed his affidavit in rejoinder on 29 May 2013. However, by order dated 11 July 2013, received by Respondent No. 4 on 19 July 2013, his application for deemed membership came to be rejected on the ground that title documents of late Shri Ramlal Dhanuka had not been produced.

7. Aggrieved thereby, Respondent No. 4 preferred Revision Application No. 437 of 2013 on 4 September 2013 before the Divisional Joint Registrar, Co operative Societies, Mumbai Division, Mumbai. In the said revision proceedings, it was specifically contended that Respondent No. 4 was asserting rights through his father late Shri Ramlal Dhanuka and that the other two sons had never claimed any independent right in the suit flat as legal heirs of late Shri Ramlal Dhanuka. The petitioner society filed its reply before Respondent No. 2 on 24 November 2013 substantially reiterating the stand already taken in its earlier reply dated 20 May 2013 before Respondent No. 3.

8. During the course of hearing of the revision proceedings in the period 2013 to 2014, Respondent No. 2, upon consideration of the pleadings and replies filed by the petitioner society, is stated to have orally inquired whether any objection had been received from any legal heirs of deceased Pannadevi Dhanuka or late Shri Ramlal

Dhanuka. The petitioner society is stated to have answered the said query in the negative. Thereafter, by the impugned order dated 13 November 2014, Respondent No. 2 set aside the earlier order dated 11 July 2013 and allowed the application of Respondent No. 4 for deemed membership principally on the grounds that late Shri Ramlal Dhanuka was admittedly one of the shareholders of the said flat; Respondent No. 4 was admittedly in possession thereof; the title suit instituted by late Pannadevi Dhanuka had been unconditionally withdrawn by her legal heirs; the petitioner society had failed to communicate any decision on the application submitted by Respondent No. 4; Respondent No. 4 had tendered maintenance charges in respect of the flat; grant of membership would not extinguish any substantive proprietary rights in relation to the flat; and lastly, the petitioner society had failed to produce any objection from any legal heir of late Pannadevi Dhanuka or late Shri Ramlal Dhanuka.

9. It is further stated that Respondent No. 4 subsequently came to know of a letter dated 8 December 2014 addressed by late D. R. Dhanuka to the petitioner society wherein he allegedly expressed unwillingness to prefer any appeal or undertake any litigation against Respondent No. 4 and conveyed that the order dated 13 November 2014 be implemented. Notwithstanding the said communication, the petitioner society instituted the present writ petition on 4 February 2015 impugning the aforesaid Judgment and Award dated 13 November 2014, principally contending that there exist several other legal heirs and claimants who may assert rights in respect of the said flat.

10. Mr. Kamdar, learned Senior Counsel appearing on behalf of the petitioners, submitted that the application preferred by Respondent No. 4 before the petitioner society was in substance and form an application seeking transfer of membership and not transmission thereof. Inviting attention to Bye Law No. 35, he submitted that the said provision specifically governs the contingency where a member of the society dies intestate without making any nomination. He contended that Bye Law No. 35 prescribes a mandatory procedure requiring the society, within one month of receiving information regarding the death of such member, to invite claims or objections in relation to the proposed transfer of the shares and interest of the deceased member by issuance of public notice in the prescribed format and by displaying such notice on the notice board of the society, as also by publication in a local newspaper. He further submitted that after following the aforesaid procedure, and after deducting the expenses thereof from the value of the shares and interest of the deceased member, the managing committee is required to determine the person who, in its opinion, is the legal representative of the deceased, subject to such person being otherwise eligible for admission as a member and furnishing an indemnity bond together with an application in the prescribed form indemnifying the society against rival claims in respect of the shares. Learned Senior Counsel submitted that the application tendered by Respondent No. 4 was in Form No. 23 prescribed under Bye Law No. 38(e)(ii), which according to him pertains to transfer of membership, whereas in a case of succession after

death, the applicable provision was transmission under Bye Law No. 35. He further pointed out that even in the prayer clause of the said application, Respondent No. 4 had sought admission and transfer of the shares and interest of the transferor, thereby clearly demonstrating that the application itself proceeded on the footing of transfer and not transmission. It was then contended that the application was otherwise incomplete and defective inasmuch as neither the requisite affidavit nor the original share certificate was annexed thereto as contemplated under Rule 19 and the prescribed form appended thereto. He therefore urged that in the absence of due compliance with the statutory and procedural requirements, the deeming fiction regarding conferment of membership under Section 22(2) of the Maharashtra Cooperative Societies Act could not have been invoked. He further submitted that as on the date of the application for membership, namely 20 March 2012, and even on the date of the order passed by the Deputy Registrar on 11 July 2013, no material was placed on record by Respondent No. 4 to establish that there was any consensus amongst the legal representatives regarding the person to be admitted as member. On the contrary, according to him, the material placed on record disclosed subsisting disputes amongst the legal heirs themselves.

11. Placing reliance upon the judgment of this Court in the case of *Bajarang Labour Cooperative Society, Mahagaon (Z) vs. Divisional Joint Registrar of Cooperative Societies, Nagpur and Others*, reported in 2016 (2) Mh.L.J. 849, learned Senior Counsel submitted that a Coordinate Bench of this Court, upon considering

Sections 158 and 23(1 A) of the Maharashtra Cooperative Societies Act, 1960, has held that the State Government in exercise of powers under Section 158 delegated the powers of the Registrar to the Deputy Registrar by Notification dated 11 September 2012, and consequently while entertaining applications under the said provisions, the District Deputy Registrar exercises powers as delegate of the Registrar. It was thus submitted that once such powers are exercised by the District Deputy Registrar as delegate of the Registrar, the Divisional Joint Registrar would have no jurisdiction to entertain or adjudicate upon a revision application against such order. He further submitted that the said view has subsequently been followed by another Coordinate Bench of this Court in *Ravi Vishwanath Ghumre vs. Divisional Joint Registrar, Maharashtra Cooperative Society and Others*, Writ Petition No. 1234 of 2019 decided on 26 August 2021, as also in *Deepali Majoor Sahakari Sanstha Maryadit vs. State of Maharashtra and Others* in Writ Petition No. 1784 of 2025 decided on 11 July 2025. On the strength of the aforesaid precedents, it was contended that the impugned order passed by the Divisional Joint Registrar allowing the revision preferred by Respondent No. 4 was wholly without jurisdiction and therefore liable to be quashed and set aside.

12. In rejoinder Mr. Kamdar, learned Senior Counsel, further submitted that the Coordinate Bench in *Bajarang Labour Cooperative Society* has specifically considered the scheme of Sections 3 and 158 of the Maharashtra Cooperative Societies Act, 1960 and has expressly rejected contentions similar to those

canvassed by the contesting respondents in the present matter. He submitted that the Coordinate Bench had examined the precise question relating to determination of deemed membership under Section 23(1 A) of the Act, which falls to be decided by the Registrar, and therefore according to him the reliance sought to be placed on the Division Bench judgment by the respondents is wholly misplaced and distinguishable on facts as well as in law.

13. Per contra, Mr. Ganbavale, learned Counsel appearing on behalf of Respondent No. 4, submitted that it is an admitted position on record that the share certificate in respect of the subject flat continued to remain in the original names of Pannadevi Dhanuka and Ramlal Dhanuka. He submitted that Suit No. 2485 of 2007 instituted by late Pannadevi Dhanuka, and thereafter prosecuted through her substituted legal heirs, pertaining to ownership of the subject property, came to be unconditionally withdrawn on 20 January 2012. According to him, the unconditional withdrawal of the said suit put an end to the dispute concerning title and ownership then being asserted against Respondent No. 4. He further invited attention to the letter dated 8 December 2014 addressed by Shri D. R. Dhanuka, whereby the said D. R. Dhanuka allegedly categorically expressed that he was not desirous of filing any appeal or engaging in any litigation against Respondent No. 4 and had requested the petitioner society to forthwith implement the order dated 13 November 2014. Learned Counsel further submitted that the petitioner society itself has accepted and recovered maintenance charges for the preceding ten years aggregating to Rs.4,28,878/- along with interest from

Respondent No. 4 after adjusting the repair fund account, thereby recognizing his status in relation to the subject premises.

14. Inviting attention to the application submitted by Respondent No. 4 before the society, learned Counsel submitted that even assuming that there may have been an incorrect reference to a particular provision or form, the same would not alter the true nature and substance of the application. According to him, the application was in essence one seeking transmission of membership, since Respondent No. 4 asserted his entitlement in the capacity of legal representative and heir of late Shri Ramlal Dhanuka and not by way of any inter vivos transfer. It was thus contended that mere defect in nomenclature or erroneous citation of provision cannot defeat the substantive claim when the foundational basis of the application unmistakably disclosed succession by inheritance.

15. Placing reliance upon the judgment of this Court in *Usha Jhaveri vs. State of Maharashtra* in Writ Petition No. 659 of 2011 decided on 4 July 2011, learned Counsel submitted that it is well settled that a cooperative housing society is not expected to adjudicate inter se disputes of title or proprietary rights amongst rival claimants to a property. According to him, the limited function of the society is merely to recognize one amongst the claimants for purposes of administration, collection of maintenance charges and other dues, without thereby conferring or adjudicating upon absolute title in the property concerned.

16. Learned Counsel further relied upon the Division Bench judgment of this Court in *Krishnarao Bakaramji Hadge vs. State of Maharashtra*, reported in 1966 Bom LR LXIX 150, and submitted that the Division Bench while interpreting Section 3 of the Cooperative Societies Act dealing with delegation of powers of the Registrar has authoritatively held that even where powers of the Registrar are delegated to subordinate officers, such officers continue to remain subordinate to the Registrar and function under his guidance, superintendence and control. It was emphasized that the Division Bench has clarified that merely because an Assistant Registrar or subordinate officer exercises delegated powers of the Registrar, the order passed by such officer does not ipso facto become an order of the Registrar himself. The Division Bench further held that where an order is passed by the delegatee independently and without approval or sanction of the Registrar, the revisional jurisdiction would lie before the Registrar; whereas only in cases where the delegatee has acted with prior approval or sanction of the Registrar would the revisional jurisdiction lie to the State Government.

17. On the basis of the aforesaid legal position, learned Counsel for Respondent No. 4 submitted that the settled principle emerging from the judgment in *Krishnarao Bakaramji Hadge* is that only where the delegate exercises powers with prior approval or sanction of the Registrar would the revisional remedy lie before the State Government, whereas where the order has been independently passed by the delegate without such approval, the revisional jurisdiction remains exercisable by the Registrar. It was

therefore submitted that the objection to jurisdiction as raised by the petitioners is misconceived and untenable in law.

REASONS AND ANALYSIS:

18. I have given my thoughtful consideration to the rival submissions advanced by the learned counsel appearing on behalf of the respective parties. I have also carefully examined the statutory provisions governing the field as well as the judicial precedents cited across the Bar. Upon undertaking such exercise, the real question which emerges is that the controversy placed before the society was never a dispute of title requiring adjudication of ownership rights in respect of the flat in question. The matter before the society arose because, after the death of one of the original holders of the flat, Respondent No. 4 sought recognition in the records of the cooperative housing society by claiming membership in his capacity as legal representative of the deceased holder. Thus, the nature of the proceedings was relating to the internal management of the society and not adjudication of proprietary rights.

19. The petitioners have attempted to project the controversy as if the society was required to determine who amongst the family members was the owner of the flat before considering the question of membership. Such an approach proceeds upon a misunderstanding of the role assigned to a cooperative housing society under the scheme of the Maharashtra Cooperative Societies Act. A cooperative housing society is not a forum constituted for adjudicating title disputes, succession claims, partition matters or

proprietary entitlements between legal heirs. It is not vested with powers akin to a civil court. The society's function is confined to management of its affairs, regulation of membership, maintenance of internal records and recognition of persons for purposes connected with administration of the premises and collection of dues.

20. What, therefore, the society was required to examine was not the question of who is the owner of the flat, but who could be recognised for the purpose of being entered in the society's records as member and for transacting with the society concerning the flat. This distinction between adjudication of title and recognition for society purposes is of importance. The recognition granted by the society neither creates title nor extinguishes title. It enables the society to function and maintain administration in relation to the property. If any question of beneficial ownership or succession survives amongst the heirs, such question must be adjudicated by a civil court in appropriate proceedings instituted for that purpose. The society cannot convert itself into a tribunal of title and cannot refuse to discharge its statutory function merely because multiple heirs may exist. Mere existence of more than one legal heir is not sufficient to indefinitely postpone recognition of any claimant.

21. Since the controversy in the present matter admittedly arose prior to the introduction of Chapter VIII B by the Maharashtra Act of 2019, the rights of the parties and the legality of the impugned action are required to be examined with reference to the statutory provisions as they stood prior to such amendment. The provision of Section 30, as applicable prior to introduction of Chapter VIII B

of 2019, reads thus as under:

“30. Transfer of interest on death of member.—

(1) On the death of a member of a society, the society shall transfer the share or interest of the deceased member to a person or persons nominated in accordance with the rules or, if no person has been so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member:

Provided that, such nominee, heir or legal representative, as the case may be, is duly admitted as a member of the society:

Provided further that, nothing in this sub-section or in section 22 shall prevent a minor or a person of unsound mind from acquiring by inheritance or otherwise, any share or interest of a deceased member in a society.

(2) Notwithstanding anything contained in sub-section (1), any such nominee, heir or legal representative, as the case may be, may require the society to pay to him the value of the share or interest of the deceased member, ascertained in accordance with the rules.

(3) A society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(4) All transfers and payments duly made by a society in accordance with the provisions of this section, shall be valid and effectual against any demand made upon the society by any other person.”

22. Section 30 of the Maharashtra Co operative Societies Act assumes importance in the peculiar facts of the present proceedings, for the reason that the controversy which has travelled before this Court has its genesis in the death of one of the

holders of the subject flat and in the consequential claim raised by Respondent No. 4 on the basis that he is the legal representative and heir of the deceased member. The foundation of Respondent No. 4's claim is based on succession. Therefore, whenever the claim of a person arises after death of an member and is based upon inheritance of the estate of the deceased member, the matter attracts the framework under Section 30, prior to 2019.

23. A reading of sub-section (1) of Section 30 stipulates that upon the death of a member of a cooperative society, the society shall transfer the share or interest of such deceased member, in the first instance, to the nominee if any nomination has validly been made in accordance with the Rules. In the absence of such nomination, the statute further mandates that the transfer shall be effected in favour of such person as may appear to the committee to be the heir or legal representative of the deceased member. The wording employed does not provide that the society must transfer the share only after conclusively determining who is the owner. Nor does it direct the society to undertake adjudication of succession. Instead, the legislature has employed the phrase "such person as may appear to the committee to be the heir or legal representative."

24. The use of the aforesaid phrase demonstrates that the satisfaction contemplated by the statute is f prima facie administrative satisfaction based upon the materials available before the committee. The committee is required to form an opinion as to who appears to be the heir or legal representative. The statute thus contemplates prima facie satisfaction. It does not

contemplate a conclusive declaration. If the legislature intended that the society should first conduct an inquiry into title and render binding findings upon inheritance claims, it would have used different language and would have conferred adjudicatory powers. The absence of such language is indicative of the scope intended by the legislature.

25. The use of the expression “may appear to the committee” reflects recognition of the limitations under which cooperative societies function. The legislature has framed Section 30 so that the society may make an administrative determination based upon the record before it. The committee is therefore expected only to identify the person who appears to be the proper person for recognition.

26. The first proviso to Section 30(1) lays down that even if a nominee, heir or legal representative is identified by the committee, the transfer can be effected only provided such person is admitted as a member of the society. It demonstrates that Section 30 contemplates a two stage process. Firstly, the society must identify the person who appears to be nominee, heir or legal representative. Secondly, such person must satisfy the legal requirements for admission as member in accordance with the Act, Rules and Bye laws. Thereafter, can the share or interest be transferred.

27. This shows that Section 30 recognises that succession claims stand on a different footing from fresh claims of applicants, because such claims arise by operation of law. The second proviso

appended to Section 30(1) further states that nothing in Section 30(1) or Section 22 shall prevent a minor or person of unsound mind from acquiring by inheritance or otherwise the share or interest of a deceased member, the legislature has acknowledged that rights arising through inheritance are to be treated differently from ordinary applications for admission. Sub-sections (2) and (3) of Section 30 provide that nominee, heir or legal representative may require the society to pay the value of the share or interest of the deceased member and may also receive other monies due to the deceased from the society. These provisions demonstrate that the legislature intended resolution of issues arising upon death of members.

28. Sub-section (4) of Section 30 has a bearing upon the controversy before this Court. It indicates that once the society, acting bona fide and in accordance with Section 30, transfers the share or interest to the person recognised by it as nominee, heir or legal representative, such action is protected against future claims by third parties. The legislature has therefore insulated the society from liability once it has acted bona fide in accordance with law. The purpose of sub-section (4) is to protect the society in circumstances where it has acted on prima facie satisfaction, even though some other claimant may emerge. Thus the statute itself recognises that the society may be required to choose one amongst possible claimants and proceed on that basis. Accordingly, the argument advanced by the petitioners that unless all heirs first consent or unless all succession issues are settled, the society cannot act, stands negated by the language of Section 30. Such

an interpretation would defeat the object of the provision and render the protection under sub-section (4) meaningless.

29. Applying the aforesaid principles to the facts of the present case, once Respondent No. 4 approached the petitioner society claiming through late Ramlal Dhanuka and asserting that he was legal representative of the deceased holder, the obligation cast upon the society was to examine whether Respondent No. 4 appeared to be the heir or legal representative for purposes of Section 30. The society was required to undertake a prima facie assessment of the materials before it. What the society was required to ascertain was whether Respondent No. 4 had disclosed prima facie nexus with the deceased member, whether his status as legal representative appeared plausible on the record, whether any rival objection had been raised by claimants, and whether the legal requirements relating to admission stood satisfied. Once these considerations were addressed, the society was bound to act in accordance with Section 30 and process the claim.

30. The petitioners have next argued that the application filed by Respondent No. 4 was submitted in an incorrect form and by reference to a wrong bye-law and, therefore, the same was not maintainable in law. Though the submission has been pressed with seriousness, I do not find myself persuaded to accept it in the strict form. A careful reading of the application filed by Respondent No. 4 clearly discloses that the foundation of his claim was not as fresh applicant but as legal representative of late Ramlal Dhanuka. The application in substance was a request that his name be recognised and entered in place of the deceased member on account of

succession. The substance of the prayer was therefore for stepping into the place of the deceased holder. It may be that the form employed by Respondent No. 4 was not drafted with precision or that the reference made therein to the relevant bye-law may not have been entirely accurate. However, in matters concerning administration of cooperative societies substance must prevail over mere form especially where the intention of the applicant is ascertainable from the document. Procedural forms exist to facilitate administration. They are not intended to become instruments of injustice by defeating substantive claims on clerical grounds. So long as the nature of the application is evident and the society itself understood the application as a claim arising from succession and acted upon the same, minor defects in reference cannot be permitted to destroy the claim.

31. This position becomes evident from the conduct of the society itself. The petitioner society did not reject the application on the ground that the form was incompetent. On the contrary, it entertained the same, called for replies, processed the application, and acted in relation thereto. Such conduct shows that the society understood the nature of the request and treated it as requiring consideration. Once that is so it is not open to the society to turn around and contend that the claim must fail merely because the form number may have been inaccurately mentioned. A wrong label attached to a legal request does not destroy the character of the request when the substance is discernible and the factual foundation supports the claim.

32. The petitioners have further contended that the application was incomplete because the requisite affidavit and original share certificate were not furnished along with the same. This submission, though not without legal basis, does not go to the root of the controversy in the facts of the present case. The record indicates that the petitioner society was aware of the background of the subject flat. It was within the knowledge of the society that the share certificate stood in the joint names of Pannadevi and late Ramlal Dhanuka. It was equally within its knowledge that litigation had earlier been initiated by Pannadevi asserting title, and that such litigation had thereafter been withdrawn. The society was therefore not dealing with a stranger. The foundational facts were already within the knowledge of the society.

33. In such circumstances it would not be proper for the society to keep the matter pending for a prolonged period without communicating deficiencies and thereafter reject the claim solely by taking shelter under technical defects. Rule 19 and the applicable bye-laws no doubt contemplate compliance with procedural requirements and ordinarily such compliance is expected. However procedural provisions are intended to facilitate processing of applications and not to enable rejection after inaction on the part of the authority. Where the society does not promptly point out the alleged defects, does not call upon the applicant to cure such defects and allows the matter to remain pending, it would be unjust to non suit the applicant on technical grounds. A hyper technical approach in such matters would defeat the purpose of the statutory scheme.

34. Much emphasis was laid by the petitioners on the distinction between transfer of membership and transmission of membership. There can be no quarrel with the proposition that in law the distinction exists and is recognised. Transfer ordinarily contemplates a voluntary act inter vivos between living persons, whereas transmission contemplates devolution of rights upon death by operation of law. However, the same does not assist the petitioners in the present factual matrix. Respondent No. 4 was not claiming membership by purchase, assignment, gift or transfer from a transferor. He was claiming through his deceased father, who according to him was one of the original shareholders. His claim thus arose by reason of succession after death of a shareholder. Once that position is accepted, the character of the request becomes one of transmission. Merely because the wording in the application may have employed language associated with transfer does not change the nature of the claim. The Court must look to the substance. If the basis of the claim is inheritance through a deceased member, the matter remains one of transmission.

35. The test, therefore, is whether the society had before it a claim from a person showing prima facie nexus with the deceased member and whether any material existed before the society to reject such claim. On that aspect, the petitioners have not demonstrated any material disqualifying Respondent No. 4. No evidence has been shown to indicate that Respondent No. 4 was unrelated to the deceased shareholder or that his claim was untenable. In absence of such material, mere imperfection in

drafting cannot become fatal.

36. It is also important that the title suit earlier filed by Pannadevi was unconditionally withdrawn by her legal heirs. Once such withdrawal took place, the cloud which had been cast over the flat by reason of the pendency of said litigation ceased to operate.

37. Conduct of parties often throws light upon the factual position. Here the conduct of the society indicates that for administrative purposes it regarded Respondent No. 4 as the person associated with the flat. Such conduct weakens the society's present stand.

38. The learned counsel appearing for Respondent No. 4 has further invited attention of this Court to the letter dated 8 December 2014 addressed by Shri D. R. Dhanuka to the petitioner society. By the said communication, Shri D. R. Dhanuka conveyed that he was not desirous of preferring any appeal or initiating any litigation against Respondent No. 4 and had further requested the petitioner society to give effect to and implement the order dated 13 November 2014 passed by the revisional authority. Though the said letter may not be treated extinguishing any proprietary entitlement of any person in the flat, nevertheless the same cannot be brushed aside as irrelevant. When such person, after passing of the impugned order, communicates that he does not intend to challenge the said order and does not desire litigation against Respondent No. 4, that fact assumes relevance while appreciating whether opposition in fact existed to the claim of Respondent No.

4. The importance of the said communication is seen from the fact that one of the grounds canvassed by the petitioners is that there existed multiple heirs therefore the society was justified in not acting upon the request of Respondent No. 4. However where one of the material members of the family communicates unwillingness to dispute the matter and requests implementation of the order in favour of Respondent No. 4, the submission that there existed inter se contest amongst the family loses of its force. At the same time, it must be clarified that this Court is not treating the said letter as conclusive proof that all heirs consented to the claim of Respondent No. 4, nor as amounting to waiver of rights by every possible claimant. Thus the said letter constitutes an additional circumstance showing that the petitioner society was not facing any impediment in giving effect to the order dated 13 November 2014. The submission advanced on behalf of Respondent No. 4 in that regard therefore deserves acceptance to the extent indicated above.

39. For proper adjudication of the objection relating to jurisdiction, it is further necessary to consider Sections 3, 154 and 158 of the Maharashtra Co operative Societies Act, 1960, which deal with appointment of the Registrar, his subordinate officers, confers revisional powers upon the State Government and the Registrar.

“3. Registrar [and his subordinates.—

The State Government may appoint a person to be the Registrar of Co-operative Societies for the State; and may appoint one or more persons to assist such Registrar, with

such designations, and in such local areas or throughout the State, as it may specify in that behalf, and may, by general or special order, confer on any such person or persons all or any of the powers of the Registrar under this Act. The person or persons so appointed to assist the Registrar and on whom any powers of the Registrar are conferred, shall work under the general guidance, superintendence and control of the Registrar. They shall be subordinate to the Registrar, and subordination of such persons amongst themselves shall be such as may be determined by the State Government.

158. Delegation of power of Registrar to [certain authorities and officer].—

The State Government may, by notification in the Official Gazette, and subject to such conditions (if any) as it may think fit to impose, delegate all or any of the powers of the Registrar under this Act to any federal authority or to an officer thereof 4 [or to any other authority] 5 [and such officers or authorities] shall work under the general guidance, superintendence and control of the Registrar specified in the notification.

154. Revisionary powers of State Government and Registrar.—

(1) The State Government or the Registrar, suo motu or on an application, may call for and examine the record of any inquiry or proceedings of any matter, other than those referred to in sub-section (9) of section 149, where any decision or order has been passed by any subordinate officer, and no appeal lies against such decision or order, for the purpose of satisfying themselves as to the legality or propriety of any such decision or order, and as to the regularity of such proceedings. If, in any case, it appears to the State Government, or the Registrar, that any decision or order so called for should be modified, annulled or reversed, the State Government or the Registrar, as the case may be,

may, after giving the person affected thereby an opportunity of being heard, pass such orders thereon as to it or him may seem just.

(2) Under this section, the revision shall lie to the State Government if the decision or order is passed by the Registrar, the Additional Registrar or a Joint Registrar, and to the Registrar if passed by any other officer. 2

(2A)

(3)

(3A)

(4)

In order to properly appreciate the objection raised by the petitioners with regard to jurisdiction of the revisional authority, it becomes necessary to examine the statutory scheme contained in Sections 3, 158 and 154 of the Maharashtra Co operative Societies Act. These provisions are required to be read harmoniously so that the legislative intention behind the scheme under the Act may be correctly understood. A reading of one provision in isolation without reference to the others may lead to incorrect interpretation and therefore all the said provisions must be considered together.”

40. Section 3 of the Act deals with appointment of the Registrar and persons appointed to assist him. The said provision empowers the State Government to appoint a person as Registrar of Co operative Societies for the State and also authorises appointment of one or more persons to assist such Registrar in discharge of statutory functions. The provision enables the State Government to confer upon such officers all or any of the powers of the Registrar under the Act. At first blush, this may appear to suggest that once

powers of the Registrar are conferred upon another officer, such officer may stand in the same footing as the Registrar himself. However, the latter part of the section makes the legislative intent clear. Section 3 specifically provides that every person appointed to assist the Registrar and upon whom powers of the Registrar are conferred shall work under the general guidance, superintendence and control of the Registrar. The provision declares that such officers shall be subordinate to the Registrar. The legislature has therefore used language which preserves the distinction between the Registrar and the officers upon whom his powers may be conferred. The conferment of powers does not elevate the subordinate officer into the position of Registrar. The conferment enables such officer to discharge certain statutory functions while continuing to remain under the supervisory control of the Registrar. This statutory language is of importance. If the legislative intention was that every officer upon whom powers of the Registrar are conferred should be treated as Registrar himself for all purposes, there was no necessity for the legislature to declare that such officers shall remain subordinate to the Registrar and act under his superintendence and control. The very fact that such words are expressly incorporated shows that the Act never intended to obliterate the distinction between the principal authority and the subordinate officer merely because powers have been conferred.

41. Section 158 indicates the same legislative intent. Under Section 158, the State Government is empowered to delegate all or any powers of the Registrar to certain authorities, officers, federal

authorities or other bodies. However, the legislature has maintained that such officers or authorities shall work under the general guidance, superintendence, and control of the Registrar. Therefore, even where delegation takes place, the delegate does not become independent of the Registrar. The delegate remains subject to Registrar's control. Thus, whether powers are conferred under Section 3 or delegated under Section 158, the statute maintains that delegation of power does not destroy the position of the Registrar nor remove the character of the delegate officer.

42. Section 154 provides for revisional powers of the State Government and the Registrar. Section 154(1) authorises the State Government or the Registrar to call for and examine the record of proceedings where any decision or order has been passed by a subordinate officer and no appeal lies therefrom, for the purpose of satisfying themselves regarding legality, propriety and regularity of such proceedings. Upon such examination, the revisional authority may modify, annul or reverse the decision after hearing affected parties. The language employed in Section 154(1) is significant. The power of revision is conferred in respect of decisions or orders passed by "subordinate officer." The legislature thus contemplated that there would be officers subordinate to the Registrar whose decisions may be scrutinised by revisional authority. This language cannot be ignored while interpreting the scheme of delegation. If every delegate exercising Registrar's powers were to be treated as Registrar, then no question of revising orders of subordinate officers would arise in respect of delegated powers and the language of Section 154 would stand

diluted.

43. Section 154(2) provides that revision shall lie to the State Government where the impugned decision or order is passed by the Registrar, Additional Registrar or Joint Registrar, and revision shall lie to the Registrar where the decision or order is passed by any other officer. Thus, the Act itself creates categories of officers and determines revisional forum depending upon the rank and designation of the officer who has passed the impugned order. The statute does not say that the test is whether the officer exercised delegated power. The statute says the test is who passed the order. The legislature despite being aware that officers may exercise delegated powers of the Registrar has still maintained classification between Registrar, Additional Registrar, Joint Registrar and “any other officer.” This shows that for purpose of revision, the Act attaches significance not to source of power exercised, but to the status of the authority passing the order. If the legislature intended delegated exercise of Registrar’s powers to convert every subordinate officer into Registrar for all purposes, Section 154(2) would have been drafted differently.

44. The only harmonious reading is that a subordinate officer exercises powers delegated from the Registrar, such officer remains subordinate, and his order continues to be his order as subordinate officer, though passed in exercise of delegated power. Such order therefore is amenable to revision under Section 154 depending upon the rank of officer. Sections 3 and 158 clearly establish that delegation of powers under the Act does not make the subordinate officer equivalent to the Registrar. They permit exercise of

specified powers while preserving supervision and control. Section 154 indicates that the Act contemplates revisional scrutiny over orders passed by subordinate officers notwithstanding that such officers may have exercised powers originally vesting in the Registrar. Hence, the revisional jurisdiction exercised in the present matter cannot be faulted on that count.

45. The question regarding the effect of delegation, particularly in the field of cooperative Act, is not res integra and has directly fallen for consideration before the Supreme Court in the case of *Chintapalli Agency Taluk Arrack Sales Coop. Society Ltd. v. Secretary (Food and Agriculture), Government of Andhra Pradesh*, reported in (1977) 4 SCC 337. In my considered opinion, the principles laid down in the said judgment bear direct relevance to the controversy involved in the present proceedings. In *Chintapalli*, the objection raised before the Supreme Court was similar to the objection sought to be canvassed before this Court. In that matter also, an argument was advanced that the Registrar could not entertain and decide a revision petition against an order passed by the Deputy Registrar because the Deputy Registrar, while passing the impugned order, had exercised powers of the Registrar delegated to him under the statute. On that premise, it was argued that once the Deputy Registrar was exercising delegated powers of the Registrar, the order passed by him must be treated as if it were an order of the Registrar. Proceeding on such logic, the submission was that the Registrar could not sit in revision over what would amount to his own order. Thus, the argument was founded upon the principle that an act of delegate is to be treated as act of

delegator.

46. The Supreme Court after examination of the scheme of the concerned Co operative Societies Act, rejected the said contention. The Court observed that though the Deputy Registrar had been empowered by the Government to exercise statutory powers vested in the Registrar, the exercise of such power was not detached from the authority of the Registrar. On the contrary, the statute itself specifically provided that the Deputy Registrar while exercising such powers would continue to function under the general superintendence of the Registrar. The Supreme Court therefore took note of the legislative arrangement and held that despite conferment of powers, the Deputy Registrar remained one amongst the category of “other persons” appointed to assist the Registrar and did not lose his identity as subordinate officer. The Supreme Court thereafter examined the arrangement of the enactment and noted that the statute itself recognised the Registrar and the Deputy Registrar as two authorities occupying separate places within the Act. It was also noticed that the enactment provided for appellate or supervisory remedies before the Registrar in respect of orders passed by “other persons” even where such persons were exercising powers delegated by the Registrar. This arrangement was considered by the Supreme Court to be a indicator that the statute did not equate the delegate officer with the Registrar merely because delegated powers were being exercised. In other words, the source of the power exercised may be the same, but the identity of the authority exercising it remains distinct.

47. The Supreme Court laid down that where the statute preserves distinction between the Registrar and subordinate officers and where supervisory authority of the Registrar over such officers is maintained by statute, the conferment of delegated power upon the subordinate officer does not have the effect of converting such subordinate officer into the Registrar. Delegation in such circumstances only enables the subordinate officer to discharge certain functions vested in the superior authority. It does not alter his status. The Registrar continues to retain power to examine the correctness, legality and propriety of the proceedings undertaken by such subordinate officer in exercise of revisional or supervisory jurisdiction, if such power is conferred by statute.

48. An important feature of the judgment in *Chintapalli* is that the Supreme Court distinguished the earlier Constitution Bench decision in *Roop Chand v. State of Punjab*, AIR 1963 SC 1503, upon which reliance is often placed in matters involving delegated powers. The Supreme Court observed that while in certain enactments the act of a delegate may be attributable to the delegator, so as to make the delegate's act same from that of the principal, such principle cannot be applied in every statutory context. The Court held that where the statute itself creates a separate structure where the delegate remains subject to the control, supervision and superintendence of the principal, the principle in *Roop Chand* cannot be imported.

49. The Supreme Court clarified that the power exercised by the Deputy Registrar may be the power of the Registrar, yet the Deputy Registrar does not exercise such power as the Registrar himself,

but as officer acting under superintendence of the Registrar. This distinction means that the power may be derived from the Registrar, but the order passed remains the order of the subordinate officer exercising delegated authority. Hence, where statute provides the Registrar may revise the same.

50. In my considered view, the ratio laid down in *Chintapalli* applies to the controversy involved in the present case. The Maharashtra Co operative Societies Act, similar to Act considered in *Chintapalli*, contains provisions of the superiority of the Registrar over officers upon whom his powers are delegated. Section 3 clearly states that officers appointed to assist the Registrar and upon whom powers are conferred shall function under the general guidance, superintendence and control of the Registrar and shall remain subordinate to him. Section 158 similarly provides that officers or authorities to whom powers are delegated shall function under the guidance, superintendence and control of the Registrar. The legislative language is thus explicit and unambiguous. Further, Sections 152 and 154 of the Maharashtra Co operative Societies Act maintain the distinction between the Registrar and subordinate officers by creating distinct appellate and revisional forums depending upon the rank of the officer passing the impugned order. This arrangement indicates that even though subordinate officers may exercise powers vested in the Registrar, the Act does not intend to obliterate the distinction between such officers and the Registrar himself.

51. The statutory structure under the Maharashtra enactment is therefore materially similar in principle to the statutory framework

examined by the Supreme Court in *Chintapalli*. In both enactments, powers of the Registrar may be delegated to subordinate officers. In both enactments such officers remain subordinate and subject to Registrar's supervision. In both enactments, the legislature preserves supervisory jurisdiction. Therefore, the ratio of *Chintapalli* squarely applies and furnishes direct authority on the point presently under consideration. The judgment in *Chintapalli* thus supports the proposition that where the statutory scheme preserves supervisory control, the order passed by a subordinate officer exercising delegated powers can be subject to revisional scrutiny.

52. Consequently, when the petitioners contend that the Deputy Registrar while deciding the deemed membership application must be treated as the Registrar himself because delegated powers were exercised and that therefore no revision could lie before the superior authority, such submission cannot be accepted. The said submission runs contrary to the ratio laid down by the Supreme Court in *Chintapalli* and contrary to the statutory scheme of the Maharashtra Co operative Societies Act.

53. Further support to the aforesaid view is available from the judgment of the Supreme Court in *Yogendra Prasad v. Additional Registrar, Co operative Societies*, 1992 Supp (1) SCC 720, wherein the Supreme Court again had occasion to consider an similar issue relating to the revisional authority of superior officers over orders passed by subordinate officers exercising powers of the Registrar. In the said decision, the Supreme Court, while relying upon the earlier ratio in *Chintapalli Agency Taluk Arrack Sales Cooperative*

Society Ltd., held that merely because a subordinate officer or Assistant Registrar exercises powers originally vesting in the Registrar, the Registrar is not divested of his supervisory and revisional authority under the statute. The Supreme Court emphasised that where the statutory scheme maintains distinction between “the Registrar” and “a person exercising powers of the Registrar,” and where the Act preserves the Registrar as the supervisory authority over subordinate officers, the exercise of delegated powers by subordinate authorities is subject to revisional scrutiny. The Court further observed that the purpose of such revisional jurisdiction is to correct palpable errors and to remedy injustice arising from orders of subordinate officers, and such supervisory jurisdiction cannot be excluded merely because delegated power was exercised. The Supreme Court again distinguished the principle laid down in *Roop Chand* and clarified that the same would not apply where the statutory enactment itself maintains distinction between the original authority and the officer empowered to exercise delegated functions. In my considered opinion, the ratio of *Yogendra Prasad* lends additional support to the conclusion already reached hereinabove that under the scheme of the Maharashtra Co operative Societies Act, the Registrar continues to occupy a supervisory position over subordinate officers notwithstanding delegation of powers, and therefore an order passed by such subordinate officer cannot be treated as equivalent to the order of the Registrar merely because delegated powers were exercised.

54. Further support to the aforesaid interpretation is also available from the judgment of the Division Bench of this Court in *Cipla Limited v. Competent Authority and the District Deputy Registrar, Co operative Society and Others*, reported in 2021 SCC OnLine Bom 622, wherein while considering the scheme of the Maharashtra Cooperative societies Act and the status of officers functioning thereunder, the Division Bench has reiterated the distinction between the Registrar and subordinate officers functioning below him. In paragraphs 131 to 133 of the said judgment, the Division Bench took note of the position of Registrars and subordinate officers and observed that the office of the Deputy District Registrar is not at par with the post of the Registrar. The Division Bench thereafter referred to the earlier binding precedent in *Krishnarao Bakaramji Hadge* and reiterated that even where powers of the Registrar are conferred upon subordinate officers under Section 3 of the Act, such officers continue to function under the superintendence of the Registrar and remain subordinate to him. The Division Bench further observed that merely because an Assistant Registrar, Deputy Registrar or similar subordinate officer exercises delegated powers of the Registrar, it cannot be contended that the order passed by such officer must be treated as the order of the Registrar himself. In my considered opinion, the aforesaid observations of the Division Bench directly go against the contention sought to be raised by the petitioners in the present matter that once delegated powers are exercised by the Deputy Registrar, the resulting order must be equated with an order of the Registrar himself. The ratio

of *Cipla Limited*, read with *Krishnarao Bakaramji Hadge*, clearly affirms that delegation of power does it obliterate the distinction between the principal authority and the subordinate officer exercising delegated powers. Thus, even on the basis of the binding Division Bench precedent of this Court, the submission advanced by the petitioners on the question of jurisdiction cannot be sustained.

55. Learned Senior Counsel appearing for the petitioners has placed considerable reliance upon the judgment of a Coordinate Bench of this Court in *Bajarang Labour Cooperative Society* and submitted that the said decision, after considering Sections 158 and 23(1A) of the Maharashtra Co operative Societies Act, took the view that by virtue of the Government Notification dated 11 September 2012, powers of the Registrar stood delegated to the Deputy Registrar and therefore while entertaining such applications the District Deputy Registrar acts as delegate of the Registrar, and no revision could thereafter lie before the Divisional Joint Registrar. It has further been pointed out that the said view has thereafter been followed in *Ravi Vishwanath Ghumre and also in Deepali Majoor Sahakari Sanstha Maryadit*. This Court is unable to accept the same as in the first place, the proposition canvassed in *Bajarang Labour* appears to proceed on a application of the doctrine that an act of delegate is to be treated as act of delegator. However, such proposition, with respect, cannot be read divorced from binding precedents of superior Courts. As already discussed hereinabove, the Supreme Court in *Chintapalli Agency* and *Yogendra Prasad* has held that where the statute itself preserves

supervision and distinction between the Registrar and subordinate officers, the conferment of delegated powers upon subordinate officers does not elevate such officer to the status of Registrar. Equally, Division Bench judgments of this Court in *Krishnarao Bakaramji Hadge* and *Cipla Limited* have reiterated that subordinate officers exercising delegated powers remain subordinate. These authorities explain the statutory scheme and make it clear that delegation under Sections 3 or 158 does not obliterate statutory position of Registrar. Further, Section 154 itself provides that revision shall lie depending upon the rank of the officer who passed the order, and not merely upon the source from which power is derived. In that view of the matter, the reasoning in *Bajarang Labour* does not align with Supreme Court and Division Bench precedents noticed above. Mere subsequent following of *Bajarang Labour* by coordinate Benches in *Ravi Vishwanath Ghumre* and *Deepali Majoor Sahakari Sanstha* would not change the position where the issue stands covered by judgments of Supreme Court. Accordingly, with utmost respect, the reliance placed by the petitioners upon the aforesaid line of judgments does not persuade this Court to accept the contention that the Divisional Joint Registrar lacked jurisdiction to entertain the revision merely because the original order was passed by the Deputy Registrar exercising delegated powers.

56. On a proper reading of the record, I am satisfied that the impugned order is not perverse. It is based on relevant materials and as per the legal scheme of the Act and bye-laws. The petitioners have not been able to show any patent illegality,

jurisdictional error, or manifest injustice. The grounds urged are in the nature of a request to re-appreciate the facts and reach a different conclusion. That is not a sufficient ground for interference under Articles 226 and 227, especially when the order under challenge is supported by both facts and law.

57. For all these reasons, I hold that the impugned order dated 13 November 2014 calls for no interference. The writ petition, therefore, has no merit.

58. The writ petition is accordingly dismissed. Rule stands discharged. No order as to costs.

59. At this stage, learned Advocate for respondent No.4 seeks continuation of ad-interim relief. However, for the reasons stated in this judgment, the request for continuation of ad-interim relief is rejected.

(AMIT BORKAR, J.)