

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3973 OF 2026

Shri Datta Sahakari Dudh Vyavsayik Sanstha
Maryadit Thr. Chairman And Ors.

...Petitioners

Versus

The State Of Maharashtra Thr. Secretary
Dept. Of Co Operation And Ors.

...Respondents

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Adv. S. S. Patwardhan a/w Adv. Bhooshan Mandlik and Adv. Ajay RajeNimbalkar and Adv. Shivam M. Walekar, for Petitioners.

Mr. Yuvraj Narvankar a/w Adv. Dheeraj Patil, for the Applicant in IA(st) No.7472 of 2026.

Adv. Drupad S. Patil a/w Adv. Rajvardhan S. Chougule, for Applicant in IA(st) No.7477 of 2026.

Smt. Neha Bhide, Government Pleader a/w Mr. Sanjay D. Rayrikar, AGP for the Respondent Nos.1, 2 and 4-State.

Adv. Dilip Bodake a/w Adv. Amar P. Dhumal, Adv. Viraj P. Dhumal and Adv. Pruthviraj M. Dagade, for Respondent Nos.3 and 6.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18th AUGUST, 2026.

P.C. :

Heard the contesting parties.

2. The respondent Nos.3 and 6 have filed affidavit in reply. The respondent No.5 Federation Sangh is not a contesting party to decide the controversy involved in the petition. It is informed by the counsel

appearing for the petitioners that the respondent No.5 has been served by private mode of service. The petition can be decided finally by considering the exigency in the matter.

3. At the outset, it has to be noted that the election process of the respondent No.5 Federation has to be completed by 10.10.2026 as per the direction of the Hon'ble Apex Court.

4. Considering the self-same exigency, this Court had occasion to deal with petitions of 194 primary societies by final judgment and order dated 12.08.2026, quashing final order of liquidations. The petitioner was also one of them having Writ Petition No.2797 of 2026 in the said group. The interim relief was granted in favour of the petitioner in that group on 01.07.2026, which was further continued. By final judgment dated 12.08.2026, the order appointing liquidator was quashed.

5. The petitioner is assailing order dated 11.08.2026 passed by the respondent No.3, refusing to include the petitioner in the provisional voter list on the ground that it stood liquidated vide order dated 15-6-2026. Before passing the order, show cause notice was issued on 10-7-2026 and hearing was conducted on 16-7-2026. In pursuance of the hearing, impugned order was passed.

6. The order passed by respondent No.3 on 11.08.2026 declaring the election program is placed on record. The date for publishing the provisional voter list is 12.08.2026. From 12.08.2026 to 21.08.2026 is

the duration for submitting the objections or claims for the provisional voter list. The objections and the claims are scheduled to be rendered on 31.08.2026. The final voters' list is to be published on 04.09.2026.

7. Learned counsel for the petitioners submits that impugned order is in brazen defiance of the interim orders passed on 01.07.2026 and the judgment and order passed by this Court on 12.08.2026. It is submitted that the show cause notice was replied and relevant documents were placed on record before the competent authority to show that one of the resolutions submitted by the petitioner was withdrawn. There was only one resolution nominating only petitioner No.2 to represent for the petitioner cooperative society. It is submitted that the name of the petitioner's society was included in the provisional voter list which was submitted on or about 26.02.2026. The exercise undertaken by the respondent No.3 in issuing show cause notice to the petitioner and excluding it from the provisional voter list is without jurisdiction. It is further submitted that interference at the hands of this court is permissible without disturbing the election process or staying the election process.

8. Learned counsel Mr. Bodake appearing for the respondent Nos.3 and 6 would rely upon affidavit in reply. He would submit that inquiry conducted by the authority in which the impugned order is passed is summary in nature. The present petition is premature. The petitioner

can raise objection in respect of inclusion of its name in the provisional voter list. The interim orders passed in favor by High Court in Writ Petition Number 2797 of 2026 would not enure to the benefits of the petitioner. Final order was passed by High Court subsequently. It is further submitted that petitioner suo-moto submitted application and more than one resolutions and the fault can be attributed to it. It is further submitted that no proper procedure was followed by the petitioner for withdrawal of one of the resolutions.

9. Learned AGP, Ms. Bhide, appearing for the respondent Nos.1, 2, and 4 adopts the submissions of counsel Mr. Bodke. In addition to that, she would submit that the election process has commenced and it may not be interrupted by any interim orders to be passed in the petition. It is submitted that the entire process has to be completed by 10.10.2026 as per the directions of the Apex Court. Any interference by this Court at this stage of the proceeding would protract the process and it would be difficult for the respondents to carry on various stages of the process in smooth manner.

10. Two applications for the interventions have been filed by the primary cooperative societies mainly objecting the interim relief of inclusion of the petitioner in the provisional voter list. I am not inclined to consider those applications. Those applicants are not necessary or affected parties to the proceedings. They had no role to play in the

impugned order. The applicants would be at liberty to raise their grievance against the petitioner or the authorities as is permissible in law. Both interim applications are disposed of.

11. It transpires from record that on 26.02.2026, respondent No.5 Federation Sangh addressed a letter to the respondent No.3 submitting provisional list of voters. The provisional list of voters could not be submitted in earlier point of time because of order dated 05.12.2025. The order passed on 05.12.2025 stood revoked by further order dated 24.02.2026. The petitioner was included in the provisional voter list submitted by the respondent No.5.

12. The petitioner had filed Writ Petition No.2797 of 2026 challenging final order of winding up passed on 15.06.2026. Initially interim relief in terms of prayer Clause 'b' was granted on 01.07.2026. Thereafter, similarly situated petitions were heard and finally decided on 12.08.2026, thereby quashing the final order of appointment of liquidator passed by respondent. From 01.07.2026, interim relief was operating in favour of the petitioner and the order of appointment of liquidator was under abeyance.

13. The show cause notice issued on 10.07.2026 reveals that the petitioner was called upon to submit the documents and explain as to how two resolutions were submitted on its behalf. In response to the notice, the documents were submitted and hearing was conducted on

16.07.2026. It reveals from the record that one of the resolutions nominating the petitioner No.2 – Yuvraj Balwant Rhayakar was withdrawn. The application submitted by one of the nominees and the affidavit would corroborate that only one resolution remained in field nominating the petitioner No.3

14. On 11.08.2026 respondent No.3 passed order declaring that the petitioner cannot be included in the provisional voter list for the election of the year 2026-203, on the ground of order of winding up passed on 15.06.2026. Surprisingly, the petitioner was not called upon to satisfy on the said ground. The ground on which the show cause notice was issued and the inquiry was conducted is not mentioned as the ground for exclusion. It is overlooked that the petitioner was armed with interim relief passed on 01.07.2026. Though final judgment and order was not available on the date of declaration of impugned order, interim orders were in operation. The impugned order is ex-facie illegal.

15. The petitioner was included in provisional list. There was no objection raised to its inclusion. The stage of raising objection was yet to come. It is incomprehensible as to why show cause notice was issued on 10.07.2026. The exercise undertaken by the respondent number 3 is thoroughly without jurisdiction. The inclusion would have been susceptible to the objection as per Rule 11 of Rules of 2014.

16. I have gone through paragraph Nos.10 and 11 of the reply filed by the respondent Nos.3 and 6. I do not find that any convincing grounds for excluding the petitioner from the provisional voter list. I find that impugned order is unsustainable and liable to be quashed. The respondents have raised objection for causing any interference in the election process. The objection is mainly for grant of any relief of inclusion of the petitioner in the provisional voter list.

17. I have gone through the judgment of the Apex Court in the case of *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha & Anr. Versus State of Maharashtra & Ors.*¹ and especially paragraph No.12. The predominant prohibition stipulated by the Apex Court is for staying the continuation of the election process even though there might be some alleged illegality or breach of rules while preparing the electoral roll. I am of the considered view that without staying the election process, the intervention of this court in this matter is possible and permissible.

18. Further reliance is placed on the subsequent views taken by the Apex Court in case of *Pundlik Versus State of Maharashtra & Ors.*² Following is the relevant paragraph :

“9. We are unable to uphold the contention. In Sant Sadguru Janardan a Swami this Court had an occasion to consider the relevant provisions of the Act and the Rules. Referring to

1 (2001) 8 SCC 509.

2 (2005) 7 SCC 181.

Section 144-X of the Act, the Court observed that preparation of list of voters is one of the stages of election. It is true that according to this Court, normally the High Court would not interfere in exercise of powers under Article 226 of the Constitution at the stage of preparation of list of voters but such action must be in accordance with law.”

19. Normally this Court would not have interfered in the process of election at the stage of preparation of list of voters. But I have already recorded that impugned action is ex-facie illegal and without jurisdiction and against interim orders passed by this Court.

20. Further reliance is placed on the judgment of Division Bench in case of ***Karbhari Maruti Agawan & Ors. Versus State of Maharashtra & Ors.*** I have gone through paragraph Nos. 10 to 12 of the judgment which would support the petitioner. I do not find any legal impediment in granting relief to the petitioner.

21. At the cost of repetition, it has to be observed that impugned order is in brazen defiance of the observations recorded by this Court in paragraph Nos.15, 32 and 45 of the common judgment dated 12.08.2026. The respondent No.3 has conveniently overlooked the interim orders which were in operation and committed undue haste in passing order on 11.08.2026. There is a room to infer that the undue haste is not without purpose or motive. The authority i.e. respondent No.3 was party to Writ Petition No.2797 of 2026.

22. For the reasons stated hereinabove, I pass following order:

::ORDER::

- A. The order dated 11 August 2026 passed by respondent number 3 Divisional Deputy Registrar shall stand quashed and set aside.
- B. The name of the petitioner No.1 shall be restored in the provisional voter list or it shall be included in the provisional voter list.
- C. The objection, if any, raised to inclusion of the petitioner in the provisional voters list shall be dealt with in accordance with law.
- D. Accordingly, the Writ petition is disposed of.

[SHAILESH P. BRAHME, J.]