IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13757 OF 2026

Parvati Dudh Utpadak Sahakari Sanstha Maryadit, through its Chairman ... *Petitioner*

: *Versus* :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13758 OF 2026

Simadevi Mahila Dudh Utapadak Sahakari Sanstha Maryadit Kharedi, Through its Chairman ... *Petitioner*

: *Versus* :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13759 OF 2026

Vitthal Rukmini Mahila Dudh Utapadak Sahakari Sanstha, Katphal through Chairman ... *Petitioner*

: *Versus* :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13761 OF 2026

Pandhariratna Prashantrao Dudh ... *Petitioner*

Utapadak Sahakari Sanstha Maryadit Tisangi (Rupnar Vasti)

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith

WRIT PETITION NO. 13762 OF 2026

Daji Patil Dudh Utpadak Sahakari Sanstha Maryadit, Shirdhon, Through its Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith

WRIT PETITION NO. 13760 OF 2026

Punyashlok Ahilyadevi Holkar Dudh Utapadak Sahakari Sanstha Maryadit, Save, through Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith

WRIT PETITION NO. 13863 OF 2026

Siddhnath Dudh Utapadak Sahakari Sanstha Maryadit, Eklaspur, through its Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith

WRIT PETITION NO. 13834 OF 2026

Kai. Vasantrav Patil Dudh Utapadak Sahakari Sanstha, Karandewadi, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13862 OF 2026

Jyotirling Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Shegaon, Dumala through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13831 OF 2026

Suman Gawade Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Shardanagar, Puluj through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13827 OF 2026

Sudhamrut Dudh Utapadak Sahakari Sanstha Maryadit Anavali (Ghodake Vasti)through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13841 OF 2026

Prashanrao Paricharak Dudh Utapadak Sahakari Sanstha Maryadit, Narayan Chincholi through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13825 OF 2026

Rukmini Dudh Utapadak Sahakari Sanstha Maryadit Hole, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13859 OF 2026

Khaja Garib Navaj Dudh Utapadak Sahakari Sanstha Maryadit, Korti Through Its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13843 OF 2026

Jai Bhavani Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Sangavi Through Its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13830 OF 2026

Prashanrao Paricharak Dudh Utapadak Sahakari Sanstha Maryadit Kasegaon (Fugare Vasti) through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13826 OF 2026

Karmyogi Sudhakar Ramchandra Paricharak Dudh Utapadak Sahakari Sanstha Maryadit, Karande-Kharat-Malivasti through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13849 OF 2026

Malewadi Mahila Dudh Utpadak Sahakari Sanstha Maryadit, Alegaon, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13854 OF 2026

Siddhanath Dudh Utapadak Sahakari Sanstha Maryadit Aavhe, Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13828 OF 2026

Laxmi Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Wadhegaon, Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13856 OF 2026

Manganga Dudh Utapadak Sahakari Sanstha Maryadit, Kadlas, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13860 OF 2026

Renuka Mahila Dudh Utapadak Sahakari Sanstha Maryadit Patkuroli, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13844 OF 2026

Shetkari Dudh Utapadak Sahakari Sanstha Maryadit, Gheradi, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13824 OF 2026

Bhayravnath Dudh Utapadak Sahakari Sanstha Maryadit, Kanhapuri, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13840 OF 2026

Yuvaknete Ma Prashantrao Paricharak Dudh Utapadak Sahakari Sanstha Maryadit, Ambe (Ghodake-Vasti) Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13842 OF 2026

Ahilyadevi Dudh Utapadak Sahakari Sanstha Maryadit, Dhalewadi/ Yedagewadi, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13836 OF 2026

Jagdamba Dudh Utapadak Sahakari Sanstha Maryadit, Aavhe, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13864 OF 2026

Gajanan Dudh Utapadak Sahakari Sanstha Maryadit, Tapkiri Shetphal, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13832 OF 2026

Shetkari Dudh Utapadak Sahakari ... *Petitioner*

Sanstha Maryadit, Save Through its Chairman

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith
WRIT PETITION NO. 13845 OF 2026

Shivamrut Dudh Utapadak Sahakari Sanstha Maryadit, Kouthali Through its Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith
WRIT PETITION NO. 13833 OF 2026

Balasaheb Gosavi Dudh Utapadak Sahakari Sanstha Maryadit, Vadachi Wadi, Wakhari, through its Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith
WRIT PETITION NO. 13838 OF 2026

Biroba Dudh Utapadak Sahakari Sanstha Maryadit, Zapachiwadi, through its Chairman ***... Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Alongwith
WRIT PETITION NO. 13837 OF 2026

Annapurna Dudh Utapadak Sahakari Sanstha Maryadit, Ekhatpur ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION NO. 13829 OF 2026

Avadhut Dudh Utapadak Sahakari Sanstha Maryadit, Waki (ghe) Through Its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION NO. 13852 OF 2026

Sudhakarpant Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Anavali, Through its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION NO. 13858 OF 2026

Darling Dudh Utapadak Sahakari Sanstha Maryadit Chale, through its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13850 OF 2026

Annapurna Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Umbargaon Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13857 OF 2026

Jyotirling Dudh Utapadak Sahakari Sanstha Maryadit, Tippehalli, through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13861 OF 2026

Shri Sitaram Maharaj Dudh Utapadak Sahakari Sanstha Maryadit, Degaon (BK), through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith
WRIT PETITION NO. 13855 OF 2026

Shripant Dudh Utapadak Sahakari Sanstha Maryadit, Magarwadi, Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13851 OF 2026

Shivamrut Dudh Utapadak Sahakari Sanstha Maryadit Karkamb (Khind Vasti), through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13835 OF 2026

Gururatnakar Dudh Utapadak Sahakari Sanstha Maryadit, Anakdhal, Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election Officer & Ors. ... *Respondents*

Alongwith

WRIT PETITION NO. 13839 OF 2026

Dhavalkranti Dudh Utapadak Sahakari Sanstha Maryadit, Mahud Bu, Through its Chairman ... *Petitioner*

: Versus :

The District Co-operative Election ... *Respondents*

Officer & Ors.

Alongwith
WRIT PETITION NO. 13846 OF 2026

Dhuldev Dudh Utapadak Sahakari Sanstha Maryadit, Kole through its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION NO. 13847 OF 2026

Chitravati Dudh Utapadak Sahakari Sanstha Maryadit, Udanwadi through its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION NO. 13848 OF 2026

Ahilyadevi Dudh Utapadak Sahakari Sanstha Maryadit, Mahim, through its Chairman ... ***Petitioner***

: Versus :

The District Co-operative Election Officer & Ors. ... ***Respondents***

Alongwith
WRIT PETITION (ST.) NO. 30355 OF 2026

Mahalaxmi Mahila Dudh Utapadak Sahakari Sanstha Maryadit, Lotewadi ... ***Petitioner***

through its Chairman

: Versus :

The District Co-operative Election Officer & Ors. ***... Respondents***

Mr. Sarang S. Aradhye *with Ms. Gauri Velankar and Ms. Sajiri Shah, for the Petitioner.*

Mr. Dilip Bodake *with Mr. Shreeniwas Magar and Mr. S.R. Bhadgale, for Respondent No.1.*

Mr. A.C. Bhadang, *with Mr. P.V. Nelson-Rajan, Ms. S.R. Crasto, Ms. S.D. Chipade and Mr. P.G. Sawant, AGP for Respondent-State.*

CORAM: SANDEEP V. MARNE, J.
DATED: 14 OCTOBER 2026.

P.C.:

1) Writ Petition (St.) No. 30355 of 2026 is not on board. At the request of the learned counsel appearing for the Petitioner therein, the same is taken on board for analogous hearing with the other similar petitions.

2) Petitioner-Societies are aggrieved by order dated 9 October 2026 passed by the District Co-operative Election Officer, Pune Division, Pune rejecting their objection about non-inclusion of their names in the list of voters.

3) I have heard Mr. Aradhye, learned counsel appearing for the Petitioners, Mr. Bodake, the learned counsel appearing for Respondent No.1 and Mr. Bhadang, learned counsel appearing for Respondent No.2.

4) Respondent No.3 is a Federal Society of which Petitioners are constituent members. It appears that by order dated 13 March 2020, the Assistant Registrar, Co-operative Societies (Dairy), Solapur directed de-registration of Petitioner-societies under Section 21 of the Maharashtra Co-operative Societies Act, 1960 **(MCS Act)**. Petitioners claim that they were not aware about the order of de-registration and discovered the factum of de-registration only on 14 August 2026 when a preliminary list of member societies was published by Respondent No.3. It is contended by the Petitioners that they never received any show cause notice or a notice before hearing or before passing orders of their de-registration. It is the contention of the Petitioners that the orders directing their de-registration are in gross violation of principles of natural justice, as well as, against established procedure under Section 21 of the MCS Act.

5) Petitioners accordingly have filed Appeals before the Joint Registrar, Co-operative Societies (Dairy), Maharashtra State, Mumbai challenging the orders of their de-registration. By order dated 29 September 2026, the Joint Registrar has granted interim stay to the orders of de-registration dated 12 March 2020, 30 June 2021 and 16 June 2023. The Joint Registrar has also stayed the orders of liquidation.

6) It appears that the Petitioner-societies were oblivious about the orders of their de-registration and had passed Resolutions nominating their representatives for exercising voting rights and the Resolutions were filed with the District Co-operative Election Officer within the permissible window period of 13 August 2026 to 11 September 2026. However, names of the Petitioners do not reflect in

the provisional list of voters on account of orders of their de-registration.

7) Petitioners filed objections to the provisional list of voters and relied on stay orders passed by the Joint Registrar on 29 September 2026. The District Co-operative Election Officer has however rejected the objection on the ground that during the window period from 13 August 2026 to 11 September 2026, the Petitioner-societies were under de-registration and that stay order has been subsequently passed on 29 September 2026.

8) In my view, the District Co-operative Election Officer has adopted a hypertechnical view in the present case by refusing to take note of the stay orders passed by the Joint Registrar on 29 September 2026. As of today, the Petitioner-societies continue to be registered on account of grant of stay on orders of their de-registration. In that view of the matter, the Petitioner-societies need to be permitted to participate in the voting process. Mr. Aradhye fairly submits that Petitioner-societies or their representatives merely want to exercise their voting rights and are not intending to contest the elections. Mr. Aradhye has invited the attention to the order of the Division Bench of this Court in Writ Petition No. 4228 of 2025 decided on 9 April 2025 (***Ramchandra Jakappa Nandavadekar & Ors. Versus. State of Maharashtra & Ors***.) in which certain members of the society (*Petitioners therein)* were erroneously treated as non-members of the Society thereby affecting their right to participate in the election process. This Court held in paras-10 and 11 of the judgment as under :

10. In *Shree Vitthal Sahakari Sakhar Karkhana Ltd. vs. Wadikuroli Vividh Karyakari Seva Society and Others, 2010 (5) Mh.L.J. 376,* it has been held in paragraph 5 as under:-

> 5) Section 25 of the Maharashtra Co-operative Societies Act says that a person shall cease to be a member of the Society on resignation from the membership thereof being accepted, or on the transfer of whole of his share or interest in the Society to another member, or on his death, or removal or expulsion from the Society, or where a firm, company any other corporate body, Society or trust is a member, on its dissolution or ceasing to exist. The respondents, prima facie, do not fall under any of the aforesaid clauses, except "removal or expulsion" from the Society. Procedure for removal or expulsion from the Society is prescribed under Rules 28 and 20 of the Maharashtra Co-operative Societies Rules. Admittedly, Rules 28 and 29 were not followed. Mr. Jahagirdar, learned Sr. Advocate for the petitioner submitted that procedure prescribed by Rules 28 and 29 was not required to be followed because respondents 1 to 11 were not removed or expelled from the membership but there was a case of cessation of membership on account of the breach of the bye-laws. I am, prima faice of the view that any breach of a bye-law would not result into automatic cessation of membership but the procedure for removal or expulsion from membership would be required to be followed even in case of breach of bye-laws of a Society……..."

We are in respectful agreement with the aforesaid observations. In our view, there cannot be any automatic cessation of membership resulting in removal of the name of such member from the list of members on the ground that such member had allegedly acted in breach of the bye-laws. Cessation of membership has to be in accordance with the Act of 1960 and the Rules of 1961. It is thus crystal clear that without following the prescribed statutory procedure, the petitioners have been treated as non-members of the Society. The action of the Society is contrary to settled law and thus arbitrary in nature resulting in violation of the provisions of Article 14 of the Constitution of India. As held by the Supreme Court in *Ahmednagar Zilla SDV and P Sangh Limited and another* (supra), in a given case if the voters list is found to have been illegally prepared, there would be a scope for interference.

11. Having found that the stand of the Society that the petitioners ceased to be members of the Society on the ground that they had

> breached its bye-laws is ex-facie illegal and not in accordance with law, the question of relief to which the petitioners would be entitled is required to be considered. It is not in dispute that the election programme has commenced after its publication. It would therefore not be justifiable to stall the election programme by causing interference under Article 226 of the Constitution of India. At the same time, we cannot lose sight of the fact that the petitioners, who constitute a sizeable number, have been illegally and arbitrarily deprived of their membership rights. Since on admitted facts, the membership of the petitioners has been terminated by not following the procedure prescribed by the Act of 1960 and the Rules framed thereunder, the only relief that can be granted to the petitioners is to permit them to participate in the elections to the limited extent of conferring them the right to vote. This is on the premise that they have been deprived of their membership in an arbitrary manner contrary to law. Thus, without interdicting the election process, the injustice caused can be partially remedied.

9) Therefore, even though the stay to the de-registration orders are passed on 29 September 2026 i.e. after expiry of window period from 13 August 2026 to 11 September 2026, in my view, voting rights can be granted in favour of the Petitioners, following the ratio of the judgment in ***Ramchandra Jakappa Nandavadekar*** (supra).

10) Mr. Bodake submits that what is granted by the Joint Registrar is mere interim order and it is always possible that the Appeals preferred by the Petitioners may ultimately get dismissed. He submits that if the Appeals get dismissed, the very existence of the Petitioner-societies would get wiped out and if voting rights are recognised in their favour, the same would result in a situation where representatives of the non-existent societies would participate in the election process. To deal with this situation, Mr. Bhadang after having taken instructions from the Joint Registrar submits that the pending Appeals shall be decided within a period of 2 weeks. Thus, in the event the Petitioners do not succeed in the pending Appeals, even though

their names may be included in the list of voters, they can be prohibited from exercising their voting rights.

11) In view of the above discussion, I proceed to pass the following order :

i. The District Co-operative Election Officer shall proceed to include the names of the Petitioners/their representatives in the final list of voters.

ii. Inclusion of names of Petitioners/their representatives in the final list of voters shall be subject to the outcome of the pending Appeals before the Joint Registrar.

iii. The Joint Registrar shall decide the pending Appeals as expeditiously as possible, preferably within a period of 2 weeks.

iv. Petitioners shall appear before the Joint Registrar alongwith a copy of this order downloaded from the website of this Court on 16 October 2026 and shall apply for fixation of date of hearing of the Appeals.

v. In the event the Appeals preferred by the Petitioners are dismissed by the Joint Registrar, Petitioners/their representatives shall not be entitled to vote in the elections to Respondent No.3-society, notwithstanding inclusion of their names in the voters' list.

vi. All issues on merits in the pending Appeals before the Joint Registrar are expressly kept open.

12) With the above directions, the Writ Petitions are **partly allowed and disposed of.**

[SANDEEP V. MARNE , J.]

NEETA SHAILESH SAWANT
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