

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6669 of 2021**

Pune Zilla Sakhari Dudh Utpadak Sangh ...Petitioner  
Maryadit Through Managing Director

*Versus*

State of Maharashtra and Ors ...Respondents

**WITH**

**INTERIM APPLICATION (ST) NO. 22884 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Pandit Dindayal Dudh Santha ...Applicant  
Through Chairman Rajendra J Gund

*Versus*

Pune Zilla Sahakari Dudh Utpadak Sangh ...Respondents  
Maryadit Through Managing Director  
Vivek H Shirsagar and Ors

**WITH**

**INTERIM APPLICATION (ST) NO. 22874 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Sharadchandraji Sahakari Dudh Utpadak Sanstha ...Applicant  
Maryadit Through Chairman Manik L Raut

*Versus*

Pune Zilla Sahakari Dudh Utpadak Sangh ...Respondents  
Maryadit Through Managing Director  
Vivek H. Shirsagar and Ors

**WITH**

**INTERIM APPLICATION (ST) NO.22862 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Jai Santoshi Mata Mahila Sahakari Dudh Utpadak ...Applicant  
Sangh Maryadit

Through Chairman Tejaswini N Gaikwad

*Versus*

Pune Zilla Sahakari Dudh Utpadak Sangh

...Respondents

Maryadit Through Managing Director

Vivek H. Shirsagar and Ors

**WITH**

**INTERIM APPLICATION (ST) NO. 22861 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Shree Vitthal Sahakari Dudh Utpadak Sanstha

...Applicant

Maryadit Through Chairman Vilas V Chopde

*Versus*

Pune Zilla Sahakari Dudh Utpadak Sangh

...Respondents

Maryadit Through Managing Director

Vivek H Shirsagar and Ors

**WITH**

**INTERIM APPLICATION (ST) NO. 22853 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Shree Gorakshnath Sahakari Dudh Utpadak

...Applicant

Sanstha Maryadit Through Chairman

Pandharinath V Gaikwad

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit

...Respondents

Through Managing Director

Vivek H Shirsagar and Ors

**WITH**

**INTERIM APPLICATION (ST) NO. 22850 OF 2021**

**IN**

**WRIT PETITION NO. 6669 OF 2021**

Ganesh Sahakari Dudh Utpadak Sanstha

...Applicant

Maryadit Through Chairman

Laxman Nivrutti Memane

*Versus*

Pune Zilla Sahakari Dudh Utpadak Sangh

...Respondents

Maryadit Through Managing Director and Ors

**WITH  
INTERIM APPLICATION (ST) NO. 22846 OF 2021  
IN  
WRIT PETITION NO. 6669 OF 2021**

Datt Digambar Sahakari Dudh Utpadak Sanstha ...Applicant  
Maryadit Through Chairman  
Anil R Gawali

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit ...Respondents  
Through Managing Director and Ors

**WITH  
INTERIM APPLICATION (ST) NO.22806 OF 2021  
IN  
WRIT PETITION NO. 6669 OF 2021**

Kanifnath Sahakari Dudh Utpadak Sanstha ...Applicant  
Maryadit Through Chairman  
Kashinath Bholu Handal

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit ...Respondents  
Through Managing Director and Ors

**WITH  
INTERIM APPLICATION (ST) NO.22787 OF 2021  
IN  
WRIT PETITION NO.6669 OF 2021**

Shree Navnath Sahakari Dudh Utpadak Sanstha ...Applicant  
Maryadit Through Chairman

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit ...Respondents  
Through Managing Director and Ors

**WITH  
INTERIM APPLICATION NO.3391 OF 2021  
IN  
WRIT PETITION NO. 6669 OF 2021**

Om Sahakari Dudh Utpadak Sanstha Maryadit ...Applicant  
Through Chairman

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit ...Respondents  
Through Managing Director and Ors

**WITH  
INTERIM APPLICATION NO.3390 OF 2021  
IN  
WRIT PETITION NO. 6669 OF 2021**

Indira Mahila Sahakari Dudh Utpadak Sanstha ...Applicant  
Maryadit Through Chairman

*Versus*

Pune Zilla Sahari Dudh Utpadak Sangh Maryadit ...Respondents  
Through HOD Legal Department and Ors

**Mr Anil Sakhare, Senior Advocate, with Mr Drupad Patil with Mr  
Dheeraj Patil, Mr Namitkumar Pansare for the Petitioner.**

**Mr S S Panchpor, AGP for Respondent No 1 – State.**

**Mr Dilip Bodake, for Respondent No.2.**

**Mr Sandeep P Kadam, with Ms Varsha M Thorat, Ms V  
Balasubramanian for the Applicants in All Interim Applications.**

**CORAM G.S. Patel &  
Madhav J. Jamdar, JJ.**

**DATED: 26th November 2021**

**PC:-**

1. The Petition can be disposed of with a short direction to the 2nd Respondent, the State Co-operative Election Authority, Maharashtra State. The authority is based in Pune. The 2nd Respondent passed an order on 13th September 2021, the operative

portion of which is at page 36. According to Mr Patil and Mr Sakhare for the Petitioner, clause (ii) of that order is incomplete in the sense that it asks the Petitioner to submit a list of those members who have completed three years but does not consider other eligibility criteria said by the Petitioner to be a pre-requisite for being able to vote.

2. Mr Patil's submission is that the eligibility criteria for exercising the right to vote is not limited to a three-year period. The bye-laws of the society specify other eligibility criteria. These are set out at Exhibit-N at page 45. It is his submission that unless these additional criteria are also met, and ordered to be met, by the 2nd Respondent, the member in question cannot be considered as eligible to vote. He therefore submits that the 2nd Respondent should, in addition to the three-year criteria, specifically mandate that the additional eligibility criteria as per the bye-laws are also required to be met. Otherwise, he submits, a large number of ineligible members will begin to exercise their franchise contrary to the express terms of the bye-laws. He points out that no one has ever challenged these bye-laws until date.

3. We find from the Petition that this demand that the Petitioner makes to us has never actually been made even as a representation to the 2nd Respondent. In other words, the authority has had no chance to consider this demand or to apply its mind to any representation in that behalf by the Petitioner. Apart from the fact that without such a demand, we do not see how a mandamus can be issued, it seems to us reasonable to require the authority to consider

a representation from the Petitioner on this basis and to pass a short order on that representation.

4. Mr Patil states that the representation will be made to the 2nd Respondent by Monday i.e. 29th November 2021. So far, only a provisional list of 805 voters has been prepared. It seems to us necessary that before the final voters' list is prepared, this representation should be heard and disposed of by the 2nd Respondent. Mr Patil states that after submitting representation on Monday i.e. 29th November 2021 he will appear before the authority on 30th November 2021 at 3 pm. So noted. We request the 2nd Respondent to consider the representation and pass an order on it by 3rd December 2021.

5. We clarify that we have not expressed any opinion on the correctness or otherwise or on the merits of the Petitioner's representation or the case that has been before us. All contentions are kept open.

6. The Writ Petition is disposed of in these terms. In view of disposal of the Writ Petition, all Interim Applications are rendered infructuous and are disposed of as such.

7. All concerned will act on production of a digitally signed copy of this order.

**(Madhav J. Jamdar, J)**

**(G. S. Patel, J)**