



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15355 OF 2023

Shri. Shivajirao Sidram Hodage

...Petitioner

Versus

Shri. Balbhim Dudh Vyavsaik

Sahakari Sanstha Ltd. & Ors.

...Respondents

Mr. Naveen B. Khaire, for the Petitioner.

Mrs. V. S. Nimbalkar, AGP, for the State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 11th DECEMBER 2023

P.C. :

1. By the present Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner is challenging the legality and validity of the Order dated 17th November 2023 passed on the objection raised by the Petitioner under Rule 11(3) of the *Maharashtra Co-operative Societies (Election to Committee) Rules, 2014*.

2. A Full Bench of this Court in the case of *Karma Veer Tulshiram Autade v. State Election Commission*¹ has held that a Writ Petition be

¹ AIR 2021 Bom 90: (2021) 2 Mah LJ 349

not entertained challenging such type of Orders as the said amounts to interference in the election process. Nothing has been pointed out by the learned Counsel appearing for the Petitioner to substantiate that, there are any extraordinary reasons to interfere in the impugned Order.

3. The main objection of the Petitioner was that, some members who are from outside the area of operation of the said society are included in the voters list and names of certain members who have passed away have also been included in the voters list. The other ground is that, about 175 members are shown to have resigned as per the provisions of law. All these are disputed questions of facts.

4. As far as members who have passed away, the Election Officer directed deletion of their names.

5. Accordingly, no interference under Articles 226 and 227 of the Constitution of India is warranted. The Writ Petition is dismissed however, with no Order as to costs.

[MADHAV J. JAMDAR, J.]