

SA Pathan

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

**WRIT PETITION NO.387 OF 2024**

Satappa Shankar Patil & Ors.

... Petitioners

**V/s.**

Taluka Cooperative Election

Officer nee Assistant Registrar

Cooperative Societies (Milk) & Ors.

... Respondents

Mr. Sandeep Koregave for the Petitioners.

Ms. Pooja Deelip Patil i/by Mr. Deelip Patil, Banker  
Chief Standing Counsel for SCEA, for Respondent No.1.

Mr. P. G. Sawant, AGP, for State/Respondent Nos.2 & 3.

Mr. Ruturaj Pawar, for Respondent No.4.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 12, 2024**

**P.C.:**

1. The petitioners who claim to be member of respondent No.4/society are challenging order dated 20 December 2023 passed by the Election Officer rejecting their objection to include their names in the final voters list.

2. Respondent No.4 is society registered under the provisions of Maharashtra Cooperative Societies Act, 1960. In exercise of power under Rule 3 of the Maharashtra Cooperative Societies Election Rules, 2014, the respondent No.1 was appointed as Election

Officer for conducting election of respondent No.4/Society. The Election Officer published the preliminary voters list on 8 December 2023.

3. Since the petitioners name did not find mentioned in the preliminary voters list, they raised an objection under Rule 11 of the said Rules before the Election Officer contending that in the last election, their names were included in the voters list. However, their names are illegally excluded from the voters list.

4. Respondent No.4/society filed its reply to the objection and pointed out that the petitioners were resigned their membership from the respondent No.4/society. Their resignation placed before the Managing Committee of respondent No.4/society in meeting dated 16 November 2019. The society by Resolution No.4 accepted their resignation. The petitioners have accepted refund of their shares amount.

5. The Election Officer by the impugned order based on material produced by the respondent No.4/society recorded a finding that audited voters list produced before him which indicates that the petitioners have taken back their shares amount. Based on resolution of Managing Committee, accepting petitioners resignation, he refused to accept the objection raised on behalf of petitioners. It is not in dispute that the final voters list of respondent No.4/society is published.

6. Considering the scope of inquiry and the power of Election Officer under Rule 11, a finding recorded by the Election Officer cannot be termed as perverse calling for interference under

Articles 226 and 227 of the Constitution of India. However, it will be open for the petitioners to adopt appropriate remedy available under Section 91 after process of election is commenced.

7. With this clarification, the writ petition is disposed of .

8. It is made clear that the adjudication made by the Returning Officer shall not bind the cooperative society under Section 91 of the Act.

**(AMIT BORKAR, J.)**