



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

WRIT PETITION NO. 576 OF 2025

1. Sow. Nagalaxmi Prashant Paldewar
Age : 49 years, Occu. : Household and Busi,
R/o. Vasant Nagar, Anand Nagar Road,
Dist. Nanded-431602.
2. Pranav Prashant Paldewar,
Age : 27 years, Occu. : Business,
R/o. Vasant Nagar, Anand Nagar Road,
Dist. Nanded-431602.
3. Sourabhi Prashant Paldewar,
Age : 24 years, Occu. : Business,
R/o. Vasant Nagar, Anand Nagar Road,
Dist. Nanded-431602.
4. Pramod Baburao Sontakke,
Age : 28 years, Occu. : Business,
Wanegaon Post Waghi, Wanegaon,
Dist. Nanded-431602.
5. Bhujang Baburao Ghorband,
Age : 22 years, Occu. : Business,
R/o. Osman Nagar, Tq. Kandhar,
Dist. Nanded-4310707.
6. Gangadhar Keshvrao Panchal,
Age : 48 years, Occu. : Business,
R/o. Railway Station Gokul Nagar,
Dist. Nanded-431602.
7. Vivek Vilasrao Pedgulwar,
Age : 27 years, Occu. : Business,
R/o. Maganpura, Nanded
Dist. Nanded-431602.
8. Vinod Vilasrao Pedgulwar,
Age : 34 years, Occu. : Business,

R/o. Maganpura, Nanded,
Dist. Nanded-431602.

9. Vikas Vilasrao Pedgulwar
Age : 33 years, Occu. : Business,
R/o. Maganpura, Nanded,
Dist. Nanded-431602.
10. Nikita Balaji Gadekar,
Age : 25 years, Occu. : Business,
R/o. Near Janata High School, Pandurang Nagar,
Taroda (Bk), Nanded,
Dist. Nanded-431605.
11. Mamta Ramesh Nillewad,
Age : 25 years, Occu. : Business,
R/o. Govind Nagar,Hingoli Naka
Taroda (Bk), Nanded,
Dist. Nanded-431605.
12. Dhirendra Vijay Kannawar,
Age : 41 years, Occu. : Business,
R/o. Farande Nagar, Pawadewadi Road,
Taroda (Bk), Nanded,
Dist. Nanded-431605.
13. Sow Shubhangi Dhirendra Kannawar,
Age : 40 years, Occu. : Business,
R/o. Farande Nagar, Pawadewadi Road,
Taroda (Bk), Nanded,
Dist. Nanded-431605.
14. Dnyaneshwar Ganeshrao Sakhare,,
Age : 45 years, Occu. : Business,
R/o. Near Nagsen High School,
Prabhat Nagar, Dist. Nanded-431605.
15. Shiva Dnyaneshwar Sakhare,
Age : 21 years, Occu. : Business,
R/o. Near Nagsen High School,
Prabhat Nagar, Dist. Nanded-431605.

16. Prashant Baburao Sontakke,
Age : 33 years, Occu. : Business,
17. Sow Aashabai Dnyaneshwar Sakhare,
Age : 34 years, Occu. : Business,
R/o. Vasant Nagar, Dist. Nanded-431602.
18. Sow Shilpa Mahesh Patil,
Age : 40 years, Occu. : Business,
R/o. NWMC Mangal Karyalay, Old Mondha,
Dist. Nanded-431604.

.. Petitioners

Versus

1. The State of Maharashtra,
Co-operation, Marketing and Textile Department,
Through it's Secretary
Mantralaya, Mumbai.
2. The State Co-operative Election Authority,
M.S. Pune through its Secretary.
3. The District Co-operative Election Officer,
And Divisional Joint Registrar, Co-operative
Societies, Nanded Division, Nanded.
4. The District Sub-Registrar,
Co-operative Societies, Nanded
Dist. Nanded.
5. The Taluka Co-operative Election Officer and
Assistant Registrar Co-operative Societies,
Tq. Nanded, Dist. Nanded.
6. Shri Sadguru Hamal Kamgar Sahakari Sanstha Ltd.,
Through its Manager,
111, 112 Vasantnagar, Nanded.

.. Respondents

Mr. V. D. Sapkal, Senior Advocate h/f Mr. Avinash A. Phad, Advocate for the Petitioners.

Mr. K. S. Patil, AGP for Respondent/State.

Mr. V. H. Dighe, Advocate for Respondent Nos. 2, 3 & 5.

Mr. V. B. Dhage, Advocate for Respondent No. 6.

CORAM : KISHORE C. SANT, J.

DATED : 14th JANUARY, 2025.

ORAL JUDGMENT :-

. At the outset, learned counsel for the petitioners seeks leave to correct title of respondent No. 5. Leave is granted. Instead of Assistant Registrar the name of respondent No. 5 be amended as Deputy Registrar.

2. Heard the parties.

3. Rule. Rule made returnable forthwith. By consent of the parties taken up for final hearing.

4. The petitioners are aggrieved by the order passed by Taluka Co-operative Election Officer and Deputy Registrar Co-operative Societies, Taluka Nanded. The names of the petitioners came to be deleted on the objection raised by some members on 30.12.2024. It is the case of the petitioners that, they happen to be members of respondent No. 6. Their names were included in the voters list. They were enrolled as members by following due process of law. They have paid the membership fees in the year 2021. The then administrative body accepted the amount and membership thereafter. Their names were approved by the District Deputy Registrar, however, without giving any

notice to them, their names came to be deleted on the objections raised by some other persons. The petitioners are therefore before this Court.

5. The learned Senior counsel Mr. Sapkal for the petitioners argued that, the petitioners were valid members of respondent No. 6 society. Now the election programme is declared in the society by order dated 20.12.2024 by the learned Returning Officer. A draft voters list was published on 11.12.2024 wherein, the names of the petitioners appear. The objection was raised by the persons whose names did not appear in the voters list. Those persons only prayed that their names be included in the list. There is no objection to the names of the petitioners in the voters list, however, while hearing the objections the learned Returning Officer deleted the names of these petitioners by observing that, they were not validly enrolled as members. This was done without issuing individual notices to the members. Notice was given only to the society. The observations of the learned Returning Officer are contrary to the record. He submits that the order is totally in violation of principles of natural justice. He thus submits that the order is totally illegal.

6. The learned senior counsel for the petitioners relies upon the following judgments :

(i) Dattatray Genaba Lole and others Vs.

Divisional Joint Registrar, Co-operative Societies and others reported in 2022 (1) Bom. C.R. 471.

(ii) Ashok Baburao Tathe and others Vs. The State Co-operative Election Through Secretary and others in Writ Petition No. 2889/2022.

(iii) Tirupati Motiram Mohite and others Vs. The State of Maharashtra through Secretary and others in Writ Petition No. 3323/2022.

(iv) Ankkushbhau s/o. Juglal Baghele and others Vs. State of Maharashtra and others reported in 2022 (4) Mh.L.J. 539.

(v) Namdev s/o Maruti Nagargoje and others Vs. State of Maharashtra and others reported in 2023 (3) Bom. C.R. 294.

7. The learned counsel Mr. Dighe appearing for respondent Nos. 2, 3 and 5 supports the impugned order and prays for rejection of the writ petition.

8. The learned A.G.P appearing for respondent Nos. 1 and 4 also supports the order.

9. The learned counsel Mr. Dhage for respondent No. 6 - society prays for appropriate order.

10. After hearing the parties this Court finds that, no individual notice was given to the petitioners. Looking to the objections this Court finds that, there is no specific objection against the voters/members of the society. The objection was filed of non inclusion of the persons who raised objections. From the record it is further clear that, in view of bye-law No. 9 clause 13 it is required that the person has to apply for membership with prior permission of the Registrar or there need to be a resolution by the Directors of the society and the same is sent to the Registrar.

11. In this case, the inclusion of the petitioners is approved by the Registrar. There is no dispute. The finding is recorded contrary to this position by the learned Returning Officer. Thus, in any case, it was necessary to issue individual notice to the petitioners as the impugned action has taken away their right of the membership of the society and also their right to vote in the election. There is no justifiable reason shown by the learned counsel for respondents.

12. In view of the judgments cited above, this Court is inclined to allow the writ petition. The writ petition stands allowed to the extent

of petitioners in terms of prayer clauses (b) and (c).

13. Rule is made absolute in above terms.

(KISHORE C. SANT, J.)

P.S.B.