



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

913 WRIT PETITION NO. 4577 OF 2025

PANDHARINATH RAMBHAU PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr. Ajeet B. Kale, Advocate for the petitioner.

Mr. K. N. Lokhande, AGP for the respondent-State.

Mr. S. K. Kadam, Advocate for respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATE : 03.04.2025

PC :-

01. Heard learned Advocate Mr. Kale for the petitioner, learned AGP for respondent No.1-State and learned Advocate Mr. Kadam for respondent Nos. 2 and 3.

02. The petitioner has approached this Court with a grievance that his name is not included in the provisional voters' list prepared for the election of respondent No.5 – sugar factory. No opportunity is also given to him to approach the Authority by collecting requisite material/information from the office of respondent No.5, as same was deliberately kept closed, to avoid giving information or documents to the members from the office of the factory.

03. The facts unfolded and submitted by the learned Advocate for the petitioner are that writ petitions were filed in this Court bearing Writ Petition No. 7440 of 2023 and Writ Petition No. 10332 of 2022 as regards grievance in respect of management committee of respondent No.5. This Court while deciding the petitions, passed following order :-

“(i) The respondent No.3/State Co-operative Election Authority shall commence the election process and shall conclude the same by the end of May, 2025 as per tentative programme placed on record at Exhibits X and Y.

(ii) The respondents or their officers are restrained from postponing, halting or terminating the election process which is to be undertaken by the respondent No.3.

(iii) Till the conclusion of election process, District Deputy Registrar Co-operative Societies, Ahmednagar, is appointed for administration and the supervision of the respondent No.4/Society by replacing earlier authorized officer.

(iv) Orders dated 26.07.2024 and 23.07.2024 passed by Regional Joint Director (Sugar), Ahmednagar and respondent No.2 are quashed and set aside.

(v) Rule is made absolute in the above terms.”

04. It is submitted that for conducting election, it was necessary to observe transparency in the proceedings for preparation of provisional list of voters for the year 2024-25 by respondent No.2. As per the said

programme, the provisional list was to be prepared on 03.03.2025. Objections were called from 03.03.2025 till 12.03.2025. It is a case of the petitioner that when some of the members went to the office of the sugar factory to collect 'no dues certificate' and other documents required, the office of the factory was not working. The employees in the office were entertaining only few persons. Such complaints were filed on 11.03.2025 with the Regional Joint Director (Sugar). However, inspite of the same, no cognizance was taken. Thus, the petitioner himself approached respondent No.2 by filing complaint on 18.03.2025. By the said complaint, he also requested that his name to be included in the provisional voters' list. He also stated that there was no one in the office of the sugar factory. There is no prior notice issued to him. It is further submitted that still the petitioner deposited amount of Rs.5200/- in the account of the sugar factory, so as to avoid technical difficulty of being defaulter. The petitioner, thereafter, on 24.03.2025 informed the Authorized Officer and District Deputy Registrar, Cooperative Societies, Jalna, raising grievance that the cashier of the sugar factory was not present and he was not even attending phone calls. He issued a cheque of Rs.4200/- drawn in favour of the sugar factory.

05. It is, thus, grievance of the petitioner that inspite of these

efforts, his name is not included in the provisional voters' list. The action of respondent No.5 is deliberate, only to keep away the persons like petitioner from the election process. He relies upon Rule 11 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014. [for short "the Rules"]. He submits that since opportunity is denied, the petitioner is deprived of his right. He, thus, prays that his name be included in the voters' list and further to decide the application of the petitioner dated 18.03.2025 and 24.03.2025 by respondent Nos. 2 & 4.

06. Learned Advocate Mr. Kadam invites attention to the election programme. He submits that objections were called from 03.03.2025 to 12.03.2025. He invited attention to the representations (total-3) dated 11.03.2025 and submits that no any representation/complaint is signed by the present petitioner. Present petitioner, for the first time lodged complaint on 18.03.2025, which is after the cut off date of raising objections i.e. 12.03.2025. In this view, now the petitioner cannot raise any grievance as he did not approach in time for raising any objection. The grievance of the petitioner, therefore, cannot be considered now. The second complaint is of 24.03.2025 i.e. also beyond the period fixed for calling the objections. He, thus, prays for rejection of the petition.

07. Learned AGP for respondent nos.1 to 4 adopts the arguments of learned Advocate Mr. Kadam. He submits that only such objections, which are filed within time can be considered and prays for rejection of the writ petition.

08. After hearing the parties, the question that needs to be considered is – as to whether the petitioner has approached in time raising objection about non-inclusion of his name in the voters' list and whether grievance made by other members can be considered to be grievance of petitioner in view of Rule 11 of the Rules.

09. About the factual position and the dates, there is no dispute. It is submission of the petitioner that the petitioner filed objection for the first time on 18.03.2025 and thereafter on 24.03.2025. On this count, this Court need not consider grievance of the petitioner.

10. So far as Rule 11 of the Rules is concerned, same is reproduced as under :-

11. Claims and objections to the provisional list of voters and the final list of voters for the societies having society or societies and individuals as members.—

(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of name or address or other particulars in the list may be brought to the notice of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer in writing by any member of the society concerned who is a voter or any representative authorized to vote on behalf of such society during office hours within ten days from the date of publication of the provisional list of voters.

(2) Any member of the society concerned making a claim or raising objection shall do so by a separate petition, which shall be presented to the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer during office hours, before the last date published for inviting claims and objections. Such claims or objections shall be preferred in writing and state the grounds on which the claim is based or the objection is raised, as the case may be.

(3) The District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer shall, after making such enquiries as deemed necessary in this regard, consider each claim or objection, and give his decision thereon in writing to the persons concerned within ten days from the last date prescribed for receiving the claims and objections and final voters list should be published within the period of fifteen days from the last date prescribed for receiving the claims and objections. The list as finalized by the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer after deciding all claims and objection shall be final list of voters.

(4) The copies of the final list of voters shall be displayed on the notice board of the District Co-operative Election Officer and also on the notice board of the society at least ten days before the declaration of the election programme and in no case later than fifteen days from the finalization of claims and objections. The District Co-operative Election Officer may also cause it to be published on the official website of the SCEA, if any.

(5) If any change in the final voters list in accordance with sub-rule (4) of rule 10 is required, the District Co-operative Election Officer or the person authorized by him, after making such inquiry as he deems fit, make necessary changes in the final voter list.

11. By looking at the rules, learned Advocate for the petitioner submits that the grievance raised by said persons of 11.03.2025 need to

be considered. His further submission is that when the Authority was made aware that the office of the factory is closed or office staff is not cooperating, at least cognizance could have been taken by the Authority. Closing of the office goes root of the matter and shows erroneous election process.

12. This Court finds that the Rule 11 cannot be read in the manner in which learned Advocate for the petitioner has submitted. It is for each and every particular member to raise his own grievance. In the present case, it is seen that the petitioner himself did not approach any of the Authority prior to 12.03.2025. This Court does not find that the grievance of others can be said to be the grievance raised by the petitioner. It is pointed out that the persons, who raised grievance on 11.03.2025 have not approached the Authority or this Court and therefore the grievance need not be considered by this Court. During the course of arguments, learned Advocate for the respondents submitted that the grievances of the persons have already been considered by the Authority and orders are passed.

13. Be as it may, for the present this Court finds that the petitioner has failed to show that he has raised any grievance prior to

12.03.2025 i.e. the last date for raising objections. The petitioner has relied upon judgment of this Court passed in Writ Petition No. 511 of 2023 to submit that inclusion of the voters in the list would not be an interference with the election process. This Court has interfered in that matter considering that large number of voters were sought to be deleted by order challenged in that petition. The Court was considering Rule 7 of the Rules. This Court finds that said judgment is not applicable to the present case.

14. This Court does not find substance in the petition. The petition, therefore, stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]