

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2087 OF 2025**

Dnyanoba @ Mauli Savelaram Dabhade

... Petitioner

V/s.

The State of Maharashtra through the
Secretary, Co-operation Deptt. and Ors.

... Respondents

Mr. Nitin Gaware Patil with Divyesh Jain for the Petitioner

Ms. Neha S. Bhide, G.P. with Mr. O.A. Chandurkar, Addl.G.P. with Ms. R.A. Salunkhe, AGP for Respondent Nos. 1 and 2 – State

Mr. Atul Damle i/b. Sarang S. Aradhye with Gauri Velankar and Shantanu Gurav for Respondent No.5

Ms. Shraddha Pawar i/b. Dilip Bodake for Respondent Nos. 3 and 4

**CORAM : ALOK ARADHE, CJ. AND
BHARATI DANGRE, J.**

DATE : 13th FEBRUARY 2025

P.C. :

1. With the consent of learned Counsel for the parties, the Petition is taken up for final disposal at the stage of admission.

2. In this Petition, the Petitioner has assailed the legality and validity of order dated 10th February 2025, passed by Respondent No.4 - the District Co-operative Election Authority and Regional Joint Director (Sugar), by which the Objection Application dated 4th February 2025 to the said authority for bringing electoral roll in conformity with the provisions of the Maharashtra Co-operative Societies Act, 1960 (**“Act of 1960”**) and the Maharashtra Co-operative Societies (Election to Committee) Rules 2014 (**“Rules of 2014”**), has been rejected.

3. Facts giving rise to filing of this Petition are as under. Respondent No. 5 – Sugar Factory is a Co-operative Society registered under the Act of 1960. The Respondent No.3 – State Co-operative Election Authority, on 17th January 2025 issued a publication for preparation of an electoral roll. Thereafter, on 21st January 2025, preliminary voters list was published by the Assistant Registrar. The Petitioner, thereupon, submitted an objection with regard to the preliminary voters list on the ground that the same is not in accordance with Rule 6 of the Rules of 2014 and Bye-laws 17 and 26 of the Respondent No. 5 - Society. The aforesaid representation has been rejected by an order dated 10th February 2025. The Petitioner, therefore, has approached this Court seeking the relief as stated supra.

4. The learned Counsel for the Petitioner submitted that the District Co-operative Election Authority ought to have appreciated that the preliminary voters list is not in accordance with Rule 6 of Rules of 2014 and Bye-laws 17 and 26 of the Respondent No.5 - Society. It is, therefore, submitted that the impugned order be set aside and Respondent No.4 – District Election Officer & Regional joint Director (Sugar) be directed to issue a fresh preliminary voters list.

5. On the other hand, the learned Counsel for Respondent No.5 submitted that the process of election has commenced and the final voters list has to be issued on 14th February 2025 and thereafter, within 10 days, the

nomination papers by the candidates have to be filed. It is, therefore, submitted that no interference is called for at this stage. It is also pointed out that the Petitioner has a remedy of raising an issue under Section 91 of the Act of 1960.

6. We have considered the rival submissions made on both sides and have perused the record.

7. It is well settled legal proposition that once an election process has been set in motion, the High Court would not be justified in interfering with the process of election and an aggrieved person has to be relegated to the remedy of resorting to the election dispute. (*See : Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra*¹ and *Shaji K. Joseph v. V. Viswanath*²).

8. Admittedly, in the instant case, the process of election has commenced and in case, any order is passed, the same would amount to interference in the process of election. The Petitioner has an alternate efficacious remedy of raising a dispute under Section 91 of the Act of 1960 by way of filing an Election Petition, after the election, in case the occasion so arises.

9. With the aforesaid liberty, the Writ Petition is disposed of.

¹ (2001) 8 SCC 509

² (2016) 4 SCC 429

10. It is made clear that this Court has not dealt with the issue raised by the Petitioner in this Petition and the same is kept open to be agitated in the remedy available to the Petitioner under Section 91 of the Act of 1960.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)

JYOTI
PRAKASH
PAWAR

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