

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

WRIT PETITION NO. 2874 OF 2025

Sunil Moreshwar Kargutkar and Ors.

... Petitioners

V/s.

The State of Maharashtra through the
Principal Secretary, Textile and Co-operative Deptt. & Ors. ... Respondents

Mr. Hemant Ghadigaonkar for the Petitioners

Mr. Niranjan Mogre for Respondent No.5

Ms. Neha S. Bhide, G.P. with Ms. Tejas J. Kapre, AGP for Respondent Nos. 1
to 4 – State

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

DATE : 03rd MARCH 2025

P.C. :

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

2. In this Petition, the Petitioners, who are the members of the U.P
Vishwakarma Co-operative Housing Society, Vile Parle, Mumbai, have
challenged the action of the Returning Officer and the Administrative Officer
of the aforesaid Society in conducting the election with reserving seats for
the candidates belonging to SC/ST, OBC and VJ/NT/SBC. The Petitioners
have challenged the aforesaid action of holding the elections on the ground

that it is in violation of the Maharashtra Co-operative Societies Act, 1960 and Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.

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

4. 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).

5. In the backdrop of the aforesaid well settled legal proposition, the facts in the instant case is that the election program has already been notified. As per the schedule, the final voters list has already been published on 14th February 2025 and the polling is scheduled to take place on 9th March 2025. The counting of votes and declaration of the result shall take place on the same day i.e. on 9th March 2025.

6. Therefore, at this point of time, no interference can be made with the process of election which has already commenced. However, the

¹ (2001) 8 SCC 509

² (2016) 4 SCC 429

Petitioners have an alternate efficacious remedy of raising a dispute under Section 91 of the Act of 1960 by way of filing an Election Petition, if so advised, after the elections are held.

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

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)