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

WRIT PETITION NO.4029 OF 2025

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Ramchandra Jakappa Nandavadekar
& Ors.

... Petitioners

V/s.

The State of Maharashtra, through its
Principal Secretary, Department of
Cooperation & Ors.

... Respondents

Mr. D.V. Sutar with Ms. Kavita D. Vijapure for the
petitioners.

Mrs. V.R. Raje, AGP for the State.

Mr. Amar Parsekar for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : MARCH 20, 2025

P.C.:

1. The challenge in the present writ petition is to an order passed by the Returning Officer under Rule 11(3) of the Maharashtra Cooperative Societies Rules, 1961. The primary issue that arises for consideration is the scope of the power vested in the Returning Officer under Rule 11, particularly in the context of rectifications in the voters' list of a cooperative society election.

2. Rule 11 of the Maharashtra Cooperative Societies Rules, 1961, delineates the limited scope of the Returning Officer's powers, restricting them to arithmetical and clerical corrections in the voters' list. It does not confer upon the Returning Officer the

jurisdiction to adjudicate upon substantive disputes concerning the legality or validity of actions taken by the society, including the removal of members from the voters' list. Any such removal of members must necessarily adhere to the procedural safeguards and statutory mandates prescribed under the Maharashtra Cooperative Societies Act, 1960 ("the Act").

3. It is well-settled that the deletion of a member's name from the rolls of a cooperative society must be in consonance with the provisions of Section 25 of the Act, which governs the cessation of membership. Any decision taken in derogation of these statutory provisions is liable to be struck down as arbitrary and ultra vires.

4. The Returning Officer, being a statutory functionary, is bound by the constraints of Rule 11 and cannot assume adjudicatory jurisdiction over disputes concerning membership. Thus, if the petitioners contend that their names were illegally removed from the voters' list without due process, the appropriate remedy is to approach this Court by way of a writ petition challenging the preliminary voters' list rather than invoking the limited powers of the Returning Officer under Rule 11.

5. In light of the above discussion, I am of the considered view that a writ petition against an order passed by the Returning Officer under Rule 11 of the Maharashtra Cooperative Societies Rules, 1961, does not merit interference under Article 226 of the Constitution of India. The power of judicial review in such matters is limited to correcting jurisdictional errors and ensuring adherence to due process, which in the present case, does not

appear to have been violated at the stage of the Returning Officer's determination.

6. Accordingly, the writ petition stands disposed of. No order as to costs.

7. However, the petitioners shall be at liberty to approach this Court by way of an independent writ petition seeking appropriate relief, if so advised, in accordance with law.

(AMIT BORKAR, J.)