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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4601 OF 2025

Kalpesh Balu Bhavar And OrsPetitioners
V/s.
The State Of Maharashtra
Through The Registrar Of
Co-op. Soc. And OrsRespondents

Dr. Uday P. Warunjikar i/b Mr. Siddhesh Pilankar, Advocates
for the Petitioners.

Mr. S. B. Kalel, Assistant Government Pleader for Respondent
No. 1.

Mr. Dilip Bodake, Advocate for Respondent Nos. 2 & 3.

Mr. Nitin Gangal a/w Ms. Namita Mestry, Ms. Prapti Karkera,
Advocates for Respondent No. 4.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 15th APRIL 2025

P.C. :

1. The petitioners are members of the Dahanu Road Janata Co-operative Bank Limited-respondent no.4. They have raised a challenge to the election process that has been initiated by the Maharashtra State Election Authority through its Secretary-respondent no.3 for conducting elections to elect members of the Managing Committee of the Bank. It is their case that the eligibility of voters to participate in the ensuing elections needs

to be resolved as the voters list has not been prepared in accordance with the bye-laws of the Bank, especially as regards the nature of share holding required by eligible voters.

2. We have heard the learned counsel for the petitioners as well as the learned counsel for the respondents at length. Before considering the contentions as urged on behalf of the petitioners, it is to be noted that the provisional voters list came to be published on 06/02/2025 and the time to raise objections / claims in that regard was till 27/02/2025. Thereafter the voters list came to be finalised and it was published on 03/03/2025. On 17/03/2025, the election programme for conduct of the aforesaid elections came to be published. The filing of nominations commenced from 20/03/2025 till 26/03/2025. The nomination papers were thereafter scrutinised on 27/03/2025. The valid nomination papers were to be withdrawn between 28/03/2025 to 11/04/2025. The present writ petition was filed on 01/04/2025 raising a challenge to the election process.

3. In our view, in the absence of any objection being raised by the petitioners to the preparation of the provisional voters list which was published on 06/02/2025 after which the final voters list was published on 03/03/2025, any interference at

this stage in the midst of the election process that commenced from 17/03/2025 would be impermissible especially in the backdrop of the challenge as sought to be raised to the eligibility of voters. In other words, the voters list having been finalised, any interference caused at this stage in the midst of election process would have the result of interfering with the same which is held to be not permissible, except in exceptional circumstances. In the given facts, we do not find that there is any such exceptional case made out to cause interference especially when the objections sought to be raised now as regards eligibility of voters could have been raised when the provisional voters list was published.

For this reason, we are not inclined to entertain the writ petition on merits. The petitioners are at liberty to agitate their grievances in this regard after the declaration of results of the elections, if they are so aggrieved. Thus by keeping all points raised in the writ petition open for being raised in appropriate proceedings after the conduct of the elections, the writ petition is disposed of as not entertained.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)