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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6035 OF 2025

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Pruthviraj Anandrav Patil & Ors.

... Petitioners

V/s.

Taluka Cooperative Election Officer &
Assistant Registrar, Cooperative
Societies Dairy, Kolhapur & Ors.

... Respondents

Mr. Drupad S. Patil with Mr. Dheeraj Patil for the
petitioners.

Mr. Bhooshan Mandlik for respondent No.1-Society.

Ms. S.S. Bhende, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : MAY 5, 2025

P.C.:

1. Leave to amend. Amendment to be carried out within one week from today.
2. Upon a preliminary reading of the record, it appears that the Election Officer has directed inclusion of names of certain individuals in the final voters list, despite those very individuals being subject matter of challenge in Writ Petition No. 4760 of 2025. In that pending writ petition, this Court has already granted an *ad-interim relief* in terms of prayer clause (b), which has the effect of *staying* the operation of the order passed by the Joint

Registrar, whereby those individuals were held to be qualified members of the society.

3. In view of the above, *prima facie*, it appears that the direction issued by the Election Officer to include their names in the final voters list is in direct violation of the said *ad-interim* order dated 9 April 2025. The stand taken by the Election Officer that the order of the Joint Registrar has merely been stayed and not quashed, and hence the names are liable to be included, reflects a misunderstanding of the scope and effect of a judicial stay. When an order is stayed by a competent Court, it ceases to have legal enforceability for the duration of the stay. Therefore, acting upon a stayed order amounts to *wilful disobedience* of a judicial direction, and undermines the authority of this Court.

4. In such circumstances, this Court finds it necessary to call upon respondent No.3 – the Election Officer – to explain his conduct and show cause why proceedings under the Contempt of Courts Act, 1971 should not be initiated against him. Accordingly, *notice in Form 9* under the Contempt of Courts (Bombay High Court) Rules, 1994 be issued to respondent No.3, returnable on 7 May 2025.

5. Respondent No.3, the concerned Election Officer, is directed to remain personally present before this Court on the next date of hearing, i.e., 7 May 2025, to respond to the show cause notice and assist the Court in deciding whether a case of contempt is made out.

6. It is further made clear that in the event respondent No.3 fails to appear personally before this Court on 7 May 2025, this Court shall be constrained to issue a non-bailable warrant against him, in addition to taking steps under the Contempt of Courts Act, 1971 for wilful disobedience of the order passed by this Court.

(AMIT BORKAR, J.)