

Ashish

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

WRIT PETITION NO. 13370 OF 2025

Nilesh Hiranman Bhegade and anr ... Petitioners
V/s.
State Co Operative Election Authority
Maharashtra State Pune and ors ... Respondents

Mr. Nikhil Adkine, for Petitioners.

Mrs. Savita Prabhune, AGP for State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 16, 2025

P.C.:

1. The petitioner has approached this Court challenging the order passed by the Returning Officer, whereby the objection raised by the petitioner in respect of the voters' list has been rejected. The grievance of the petitioner relates to the inclusion or exclusion of certain names in the voters' list, which according to the petitioner, affects the fairness of the election process.

2. The Returning Officer, while preparing or finalizing the voters' list, exercises only a limited and procedural authority. His powers under Rule 8 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 are narrow and confined to verification of records, ensuring accuracy of entries, and publication of the list. These powers are ministerial in nature. He is not vested with the authority to adjudicate on disputed

questions of membership, validity of entries, or legality of the inclusion or exclusion of names.

3. The scope of the Returning Officer's duty is to follow the procedure prescribed by law. He cannot examine the legality or correctness of the membership or entries in the voters' list. Therefore, when an objection raises an issue involving adjudication of rights or membership disputes, such matters fall outside his jurisdiction.

4. This position of law has been clearly settled by this Court in *Dhondiba Parshuram Lakade vs. Shri Someshwar Sahakari Sakhar Karkhana Ltd.*, reported in 1979 Maharashtra Law Journal 311. The Court in that case held that the Returning Officer's powers are limited in character. He cannot decide complex questions affecting the legality or validity of entries in the voters' list. Such issues can be examined only by the competent forum vested with jurisdiction to test the correctness of the voters' list.

5. In light of this settled legal position, the objection raised by the petitioner before the Returning Officer could not have been effectively adjudicated by him. The proper course open to the petitioner, if he is aggrieved by the voters' list, is to approach the Division Bench of this Court, which alone has jurisdiction to examine its legality and validity. The grievance regarding the voters' list, therefore, deserves to be raised before the Division Bench in appropriate proceedings.

6. In view of the above discussion, permission is granted to the petitioner to withdraw the present petition, with liberty to

challenge the voters' list before the competent Division Bench of this Court.

7. The petition is accordingly disposed of. No order as to costs.

(AMIT BORKAR, J.)