

Shabnoor

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

WRIT PETITION NO.15790 OF 2025

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Samadhan Nivrutti Mahale & Ors. ... Petitioners

V/s.

Satyabhama Vale Kapse & Ors. ... Respondents

Mr. Rameshwar N. Gite, for the Petitioners.

Mr. Ranjit G. Jadhav, for Respondent Nos. 1 to 5.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 24, 2025

P.C.:

1. The gravamen of the challenge in the present writ petition is an order passed by the District Election Officer in the exercise of powers under Rule 8 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014. The petitioner, being a member of respondent Society, questions the legality of this order. His case is that the decision is arbitrary, reflects non-application of mind, and proceeds on a wrong interpretation of the statutory scheme relating to eligibility of members in a cooperative society.

2. The petitioner's grievance is directed against the inclusion and exclusion of certain individuals in the final voters' list. According to him, these individuals are disqualified under the Maharashtra Cooperative Societies Act, 1960. Inclusion of such persons, the petitioner contends, violates the eligibility norms laid down in the parent Act and the Rules. Despite raising specific

objections, the District Election Officer declined to accept his contention and rejected his objections.

3. In order to examine the correctness of the challenge, it is necessary to advert to the statutory framework. Rule 8 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 lays down the procedure for dealing with claims and objections to the provisional voters' list. The Rule contemplates a limited scope of interference. It allows members to point out omissions or errors in respect of the name, address, or other particulars of persons shown in the list. Such claims or objections are required to be decided by the Election Officer in writing after due enquiry, and thereafter, a final list of voters is published.

4. On a plain reading of Rule 8, it is clear that the authority of the District Election Officer is confined only to corrections relating to names, addresses, or similar particulars. The Rule does not empower the Officer to go into larger questions of membership eligibility or disqualification. The legislative intention is that issues concerning validity of membership, or whether a person fulfills the substantive conditions of membership under the Maharashtra Cooperative Societies Act, 1960, fall exclusively within the jurisdiction of the Registrar under Section 11 of the Act. In other words, the Election Officer's role is administrative and corrective, not adjudicatory.

5. The legal position is well settled. If a party contends that ineligible members have been improperly included, or that disqualified persons have been permitted to vote, the proper

course is to raise such grievances before the Registrar. If those are not redressed, the objector may file an election petition challenging the election, by demonstrating that the participation of such ineligible voters has materially affected the result.

6. This interpretation stands fortified by the judgment of the Division Bench of this Court in *Dhondiba Parshuram Lakade v. Someshwar Sahakari Sakhar Karkhana Ltd.*, 1979 Mh.L.J. 311. The Court, while interpreting the earlier Rule 6(4) of the Maharashtra Specified Cooperative Societies (Election to Committees) Rules, laid down that the Election Officer's power is confined to correction of clerical or factual errors such as names and addresses. It was held that he has no jurisdiction to decide substantive disputes of eligibility. That reasoning applies with full force to Rule 8 of the present Rules also.

7. In the present case, the petitioner's objections essentially pertain to eligibility and disqualification. Such issues fall outside the limited jurisdiction of the District Election Officer. This Court, in writ jurisdiction, cannot enlarge the scope of Rule 8 and convert the Election Officer into an adjudicating authority on membership disputes.

8. I must clarify that this Court has not entered into the merits of the petitioner's allegations. All questions of eligibility, disqualification, and validity of membership are left open to be agitated by the petitioner in accordance with law before the proper forum including Division Bench of this court challenging voters list.

9. The writ petition, therefore, stands disposed of in the above terms. There shall be no order as to costs.

10. The contentions on merits raised by the petitioners regarding eligibility or ineligibility are kept open to be agitated before the Division Bench.

11. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)