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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 155 OF 2025

Anant Vasudeo Sawant & Ors.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Dr. Uday Warunjikar i/by Mr. Sumit Kate for petitioners.

Mr. Akshay G. Patkar for respondent nos.1, 4 and 5.

Ms. Manisha Jagtap a/w Swara Vichare for respondent no.2.

Mr. Shiv Bahadur Yadav, former Secretary of the Society,
respondent no.3 in-person present.

**CORAM: ALOK ARADHE, CJ. &
 BHARATI DANGRE, J.**

DATE: 27th JANUARY, 2025

P.C.:

1. The petitioners are the members of the managing committee of the society, namely, Charkop Kandivali Ekta Nagar Cooperative Housing Society Ltd., which is registered under the Maharashtra Cooperative Societies Act, 1960. The petitioners are aggrieved by the inaction on the part of the respondent nos.2 and 5 to conduct the election for the post of Chairman of the society of the petitioners.

2. When the matter is called out, the learned counsel for the petitioners submits that the Chairman of the society has to be elected from amongst the members of the managing committee, eleven of whom are before this Court. It is further submitted that the post of Chairman fell vacant on 13th June, 2024. It is also pointed out that the Election Officer was

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appointed on 7th July, 2024 to conduct the election for the post of Chairman of the society, however, till today election has not been held.

3. Mr. Shiv Bahadur Yadav, respondent no.3, who appeared in-person prays for an adjournment to engage an Advocate.

4. However, in the facts and circumstances of the case, we are not inclined to adjourn the matter. Admittedly, the Chairman of the society has been disqualified on 13th June, 2024. The post of the Chairman of the society is required to be filled up from amongst the 15 members of the managing committee. *Prima facie*, there is no justification on the part of the Election Officer not to conduct the election. The Election Officer was appointed on 7th July, 2024.

5. Therefore, in the facts and circumstances of the case, the writ petition is disposed of with a direction to the respondent no.5 - Election Officer to conduct the election of the Chairman of the society on or before 15th February, 2025.

6. Accordingly, the writ petition is disposed of.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)