



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2752 OF 2025

**(Subhash Sitaramji Raghatate Vs. State Co-operative Election Authority, Pune, through
authorized officer & Ors.)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.C. Dharmadhikari, Counsel for the petitioner.
Mr. S.S. Ghate, Counsel for respondent no.1.
Ms M.S. Naik, A.G.P for respondent no.2/State.
Mr. O.A. Ghare, Counsel for respondent no.3.
Mr. A.M. Ghare, Counsel for respondent no.4.
Mr. Z.Z. Haq, Counsel for the intervenor (CAW No. 1160/
2025).

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CORAM : ANIL L. PANSARE, J.
JUNE 11, 2025

The Secretary of the Society – respondent no.5, is present. The President of the Society has filed application for intervention.

2] There appears some dispute between the President and the Secretary.

3] In the circumstances, Mr. V.A. Lohia, learned Counsel, is requested to represent the Society and take instructions from the Society through Secretary, and shall assist the Court on behalf of respondent no.5.

4] Having heard for good length of time, what emerges is that the petitioner and respondent no.5 – Society were not given opportunity of hearing before passing the impugned order. Mr. V.A. Lohia, learned Counsel, on instructions, submits that notice was never served on respondent no.5. Similar is the submission of

the petitioner. The learned A.G.P failed to show that notice of hearing was dispatched to respondent no.5 – Society or petitioner. Thus, it appears that opportunity of hearing was never given to respondent no.5 and the petitioner.

5] As such, the learned Counsel for respondent no.4 vehemently argued that the petition is not maintainable at the instance of the petitioner, and it is only the Society, who can file the petition. However, the impugned order having been passed in violation of principles of natural justice, the impugned order suffers from non-adherence to the principles of natural justice and is thus unsustainable.

6] The petition is accordingly partly allowed. Order dated 20/5/2025 passed by respondent no.2 is quashed and set aside. The enquiry is restored to file of respondent no.2 for consideration afresh.

7] The parties herein shall appear before respondent no.2 on 13/6/2025. The enquiry shall be decided within seven working days thereafter.

8] The fees of the learned Counsel appointed to represent respondent no.5 be quantified and paid as per Rules.

9] The petition is disposed of in above terms. No costs.

(ANIL L. PANSARE, J.)

Sumit