



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

Writ Petition No. 2860 of 2025

[Krushna Vitthal Raut and anr. **..vs..** The Taluka Cooperative Election Officer/
Assistant Registrar of Cooperative Societies, Karanja (Lad), Dist. Washim and ors.]

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

Court's or Judge's orders

Mr. S. M. Vaishnav, Advocate for the petitioners
Mr. A. V. Palshikar, AGP for the State/respondent no. 1
Mr. Tejas Deshpande, Advocate h/f Mr. S. N. Gattani, Advocate for
respondent no. 2

CORAM : ANIL L. PANSARE J.

DATED : 24-06-2025

Heard.

2. The petitioner is aggrieved by inclusion of name of respondent no. 3 in final voters list prepared in terms of Rule 8 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 (for short 'Rules of 2014').

3. Learned counsel for the petitioners submits that provisional list of voters was published by respondent no. 2 – society in terms of Rule 6 of the Rules of 2014. Thereafter respondent no. 3 moved an application before the respondent no. 1 for inclusion of her name. The respondent no. 1, taking aid of Rule 11 of the Rules of 2014, allowed the application and included in the final voters list the name of respondent no. 3.

4. Learned counsel for the petitioner has relied upon the judgment of Division Bench of this Court in the case of ***Dhondiba Parshuram Lakade V/s Shri Someshwar Sahakari Sakhar Karkhana Ltd. [1979 Mh.L.J. 311]***. The Division Bench, while dealing with the scope of enquiry under Rule 6(1) of the Maharashtra Specified Co-operative Societies Elections to

Committees Rules, 1971 (for short, ‘the Rule of 1971’), which is *pari materia* Rule 8 (1) of the Rules of 2014, held as under :

“43. Thus, under Rule 6(1), all that the Collector is entitled to, and permitted to do is to ensure the identity of the voter concerned, and if per chance, the identity is not sufficiently established in the provisional voters’ list to take steps within the ambit of Rule 6(1) to see that it is. There is nothing in Rule 6(1) which empowers the Collector to hold a detailed enquiry, as was done in the instant case, whether a person is qualified to be on the Register of Members, and if not to delete his name from the provisional list of voters. Under Section 38(2) of the Societies Act, the Register of Members is prima facie evidence of membership. It is not open to the Collector to upset that Register by holding an inquiry under Rule 6(1), which contemplates a very summary inquiry, confined only to the aspects set out in that rule and nothing else.”

5. The above finding is rendered in view of enquiry provided under Rule 6(1) of the Rules of 1971, which is *pari materia* Rule 8(1) of the Rules of 2014, which reads as under :

“8. Claims and objections to the provisional list of voters and the final list of voters for co-operative societies having individuals members

(1) When the provisional list of voters is published for inviting claims and objections, any omission or error in respect of name or address or other particulars in the list may be brought to the notice of the concerned District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer in writing by any member of the society during office hours within ten days from the date of publication of the provisional list of voters.

(2)	x	x	x
(3)	x	x	x
(4)	x	x	x.”

As could be seen, when the provisional list of voters is published for inviting claims and objections, any omission or

error in respect of the names or address or other particulars in the list is to be brought to the notice of the concerned Election Officer.

6. Thus, it is evident that the omission or error should be in relation to the names and address or other particulars mentioned in the provisional list. In other words, the request for inclusion of name in final voters list is not open for enquiry under Rule 8 of the Rules of 2014.

7. In the present case, however, the respondent no. 1 has travelled beyond the scope of Rule 11 to include respondent no. 3's name in the final voters list.

8. As such, learned Assistant Government Pleader has, by referring to reply filed by respondent no. 1, argued that respondent no. 3 is a member of respondent no. 2 – society. However, the reply is silent on the point as to how respondent no. 1 in an enquiry under Rule 11 could have included respondent no. 3's name in final voters list.

9. That being so and since the order passed by respondent no. 1 is contrary to law laid down in *Dhondiba's* case, the same is unsustainable.

10. The petition is accordingly allowed. Order dated 26-5-2025 passed by respondent no. 1 - Taluka Cooperative Election Officer, Karanja bearing outward no. 761/2025 is quashed and set aside. Consequences to follow.

11. Writ petition is disposed of in above terms with no order as to costs.

(Anil L. Pansare, J.)