



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

WRIT PETITION NO. 3052 OF 2025

(Shri Vilas s/o Abaji Mogarkar Vs. Returning Officer-cum-District Deputy Registrar, Co-operative Societies, Chandrapur & 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.M. Ghare with Mr. P.V. Ghare, Counsel for the petitioner.
Mr. A.G. Mate, A.G.P. for respondent no.1/State.
Mr. S.K. Tambde, Counsel for respondent no.2.
Mr. S.S. Ghate, Counsel for respondent no.3.
Mr. O.A. Ghare, Counsel for respondent no.4.
Mr. H.S. Chouhan, Counsel for respondent no.5.

.....

CORAM : ANIL L. PANSARE, J.
JUNE 26, 2025

Heard.

2] The argument is two fold; one is that the bye-laws of respondent no.4 – Society provide that the Member – Society desirous of contesting election, who possess Grade 'A' or 'B' in the audit preceding/adjacent to the election. According to the petitioner, since the cut-off date to consider eligibility for publishing provisional voters' list was 1/2/2025, the election would commence from that day and, therefore, the year adjacent/immediately before the election would be the year 2023-24.

3] In the present case, the Member – Society was possessing Grade 'C' in the audit report for the year 2023-24, however, the returning officer has considered the gradation of the Member – Society for the year 2024-

25. In the said audit, the Member – Society was declared as Grade ‘B’.

4] Another ground put forth by the petitioner is that respondent no.2 had not filed certificate to show one year’s experience of working as Executive Committee Member, as required under the bye-laws of respondent no.4 – Society. This objection, though raised, has been not considered by the returning officer.

5] I have gone through the order to find that what has been submitted by the petitioner is correct.

6] Further, in identical set of facts, this Court in Writ Petition No. 3048/2025 with connected petitions held that the term ‘election’ is relatable to cut-off date for publishing provisional voters’ list.

7] In light of above, it will be necessary to remand the enquiry back to the returning officer to consider it afresh.

8] Accordingly, the petition is partly allowed. Order dated 12/6/2025 passed by respondent no.1 is quashed and set aside. The enquiry is remanded back for consideration afresh in accordance with law and in light of what has been stated in the body of the order. The returning officer shall also consider the effect of judgment passed by this Court in Writ Petition No. 3048/2025.

9] The parties shall appear before the returning officer today at 5:00 pm. The returning officer shall decide the objection by 2:00 pm tomorrow.

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

11] All concerned to act on an authenticated copy.

(ANIL L. PANSARE, J.)

Sumit