



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1241 OF 2025

Gajanan Suresh Gadekar

... PETITIONER

Versus

State of Maharashtra & Ors.

... RESPONDENTS

Mr. S. S. Dhengale, Advocate a/w Mr. R. D. Karode, Advocate for Petitioner.
Ms. D. V. Sapkal, AGP for Respondent Nos.1 to 3.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 06, 2025.

ORAL ORDER

. Heard Mr. S. S. Dhengale a/w Mr. R. D. Karode, learned Counsel for the Petitioner and Ms. D. V. Sapkal, learned AGP for Respondent Nos.1 to 3.

2. The Petition arises out of the process of election of Co-operative Society. The voters list is published. One list consist of the voters who have borrowed the loan and another list consist of the voters who have not borrowed the loan.

3. The learned Counsel for Petitioner submits that those who are in the borrower's list are entitled to contest the election as against those, who are not entitled to vote but to not contest the election. The argument is that none of the voters listed in borrower's list have borrowed the loan, and therefore, in

terms of the provisions of Bye Laws of the Society they could not have been shown as voters in the borrower's list.

4. The objection to that effect was raised by the Petitioner. The Respondent No.2 – Election Officer has rejected the objection on the count that these 97 members had taken loan since the year 2018 and are regularly repaying the loan. The Respondent No.2 has further observed that only for the financial year of 2024-25, because of technical difficulties the loan was not distributed.

5. The Bye Laws of the Society indicates that the members who have in past five years obtained loan, will be entitled to be in voter's list under the head of 'borrower's list'. In context with the above findings, I have repeatedly called upon the Petitioner to show that these 97 members had never obtained loan. The Petitioner, however, failed to point out any evidence to indicate that 97 members had never taken loan. Therefore, I do not find any reason to interfere with the findings of the authority below. The Writ Petition is dismissed in *limine* with no order as to costs.

(ANIL L. PANSARE, J.)

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