



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

WRIT PETITION NO. 2250 OF 2025

(Adivasi Jangal Kamgar Sahakari Sanstha Maryadit, Loni (Ghatana), Yavatmal & Ors. Vs. The District Co-operative Election Officer and the District Deputy Registrar Co-operative Societies, Yavatmal & Ors.)

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

Court's or Judge's orders.

Mr. K.S. Narwade, Counsel for the petitioners.
Ms M.S. Naik, A.G.P for respondent no.1/State.
Mr. S.O. Ahmed with Mr. Tawir Sheikh, Counsel for respondent
no.2.
Mr. Onkar A. Ghare, Counsel for respondent nos. 3 to 7
(caveators).

.....

CORAM : ANIL L. PANSARE, J.
MAY 5, 2025

By the impugned order, respondent no.1 – District Co-operative Election Officer, has held that the petitioners – Societies were in arrears of payment of subscription and, therefore, are not entitled to be included in the provisional voters' list.

2] According to the learned Counsel for the petitioners, there is dispute whether the petitioners are in arrears of payment of subscription.

3] If that be so, the learned Counsel for respondent no.2 is correct in contending that such a disputed fact cannot be adjudicated by this Court. The order impugned clearly indicates that these Societies were in arrears of payment of subscription. The Societies appears to have paid some amount. Despite such payment, respondent no.1 found that in April – 2025, all

the petitioners were in arrears of payment of subscription, and accordingly, held that they were not entitled to be included in the provisional voters' list.

4] To my mind, the impugned order does not call for any interference inasmuch as the petitioners failed to show any perversity in the said order. In fact, the case of the petitioners, if it is to be accepted to be true, even then, since there is dispute on the aforesaid point, until the same is decided, the petitioners cannot claim that they are/were not in arrears of payment of subscription.

5] Another objection put forth by the petitioners is that notice under Rule 10(2) of the Maharashtra Co-operative Societies (Election To Committee) Rules, 2014, has been not issued to the petitioners – Societies to nominate their representatives. They also intend to put forth a challenge to the procedure adopted as regards not issuing such notice to the Societies, whose names were included in the provisional voters' list.

6] To my mind, if the petitioners were found to be not eligible to be included in the provisional voters' list, there appears no reason why should the Election Officer call names of the representatives of the petitioners – Societies. Further the petitioners should be stick to challenge as regards their entitlement to participate in the election. If the petitioners – Societies intend to take objection to the election process, the appropriate remedy will be under Section 91 of the Maharashtra Co-operative Societies Act, 1960.

7] That being so, there appears no merit in the petition. Even otherwise, the election programme has been published.

8] I am, therefore, not inclined to interfere with the findings rendered by respondent no.1. The petition is accordingly dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit