



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5373 OF 2026**

**SAHEBRAO MOHANRAO AUTADE
VERSUS
STATE CO OPERATIVE ELECTION AUTHORITY AND
OTHERS**

...
Mr. A. N. Nagargoje h/f Mr. Laxman H. Kawale, Advocate for the
Petitioner.

Mr. S. K. Kadam, Advocate for Respondent Nos.1 and 2.

Mr. V. D. Jadhav, Advocate for Respondent No.3.

Mr. G. P. Darandale, Advocate for Respondent No.4.

Mr. P. B. Shirsath, Advocate for Respondent No.5.

...
**CORAM : S. G. CHAPALGAONKAR, J.
(VACATION COURT)**

DATE : 28th MAY, 2026.

ORDER:-

1. The petitioner impugns order dated 18.05.2026 passed by respondent no.2/District Co-operative Election Officer and Divisional Joint Registrar, Chhatrapati Sambhajinagar, whereby petitioner's name is directed to be deleted from provisional voters list as well as final voters list at ensuing election of respondent no.4/Aurangabad District Central Co-operative Bank Limited (for short 'ADCC Bank').

2. On 10.03.2026, election programme for election of respondent no.4/ADCC Bank came to be published. The respondent no.3/member society convened meeting for nominating its delegates at election of respondent no.4/ADCC Bank. On 08.04.2026 meeting was convened. Copy of Resolution appointing

petitioner as delegate was forwarded by Manager of respondent no.3/society. Accordingly, petitioner's name being delegate of respondent no.3/society was included in provisional voters list published on 27.04.2026. The respondent no.5 raised an objection to petitioner's nomination as delegate and consequential inclusion of his name in voters list on the ground that no Resolution had been passed, but on the basis of false and manipulated Resolution, petitioner's name has been included. The respondent no.2 accepted objection and directed deletion of petitioner's name from final voters list.

3. Mr. Nagargoje, learned Advocate appearing for petitioner submits that by notice dated 01.04.2026 meeting of Society was convened for purpose of nominating delegate at election of ADCC Bank. The notice specifies that in case meeting could not be held for want of Coram, it can be postponed by half an hour and Agenda of meeting would be taken for consideration even in absence of Coram. Accordingly, in absence of Coram at first call, second meeting was convened after half an hour and Resolution was passed nominating petitioner as delegate of respondent no.3/society. The Manager of Society had forwarded Resolution within stipulated period in terms of election programme notified by respondent no.2. The petitioner's name was included as

delegate in provisional voters list. The respondent no.2 had no reason to entertain objection at the behest of respondent no.5.

4. Per contra, Mr. Shirsath, learned Advocate appearing for respondent no.5 and Mr. S. K. Kadam, learned Advocate appearing for respondent nos.1 and 2 support impugned order contending that Administrator has been appointed on respondent no.3/society. He has clarified that members has raised objection that notice of meeting was not received to many members. It was not issued seven days prior to scheduled date of meeting. Many members were absent for want of knowledge. In result, meeting was dropped.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that petitioner's name was included in provisional voters list being delegate of respondent no.3/society. The respondent no.5 objects petitioner's nomination on ground that there was no valid Resolution of member society appointing petitioner as delegate. The Administrator of Society states that although meeting was convened, it was dropped for want of Coram. Per contra it is contention of petitioner that vide notice dated 01.04.2026 meeting was convened. On 08.04.2026, meeting was held and Resolution was passed nominating petitioner as delegate.

6. Pertinently, meeting was convened under signature of Manager of Society. Accordingly, Resolution passed in meetings has been placed on record, which depicts that Subject No.1 on Agenda was discussed in meeting and, ultimately, Resolution was passed. Although Administrator is stating that meeting was dropped for want of Coram, Mr. Nagargoje has brought to notice of this Court bye-law no.30, which stipulates that in case of absence of Coram, meeting can be held after thirty minutes and Resolution can be passed without requisite Coram. He rightly pointed out that as per bye-law no.49, five days advance notice of meeting needs to be served by Manager and same has been done in present case.

7. Apparently, there is dispute as to validity of Resolution nominating petitioner as delegate of respondent no.3/society. In this backdrop, it is apposite to refer Rule 11(1) of Maharashtra Co-operative Societies Election to Committee Rules, 2014, which states as under:

“11. Claims and objections to the provisional list of voters and the final list of voters for the societies having society or societies and individuals as members:

(1) When any 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 District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer in writing by any member of the society concerned,

who is a voter or any representative authorized to vote on behalf of such society during office hours within ten days from the date of publication of the provisional list of voters.”

8. Plain reading of aforesaid Rule would depicts that scope of enquiry to be caused by District Co-operative Election Officer is limited. He can deal with objection as to omission or error in respect of name or address or other particulars in list. Apparently, he cannot go into issue regarding legality of meeting and constitution of Coram of member society. As such, Resolution of Managing Committee, which is acted upon by including petitioner's name in provisional voters list cannot be ignored unless and until it is set aside by Court of competent jurisdiction. The Division Bench of this Court in case of Kamlabai Vitthal Rohankar Vs. Additional Collector & Ors.¹ observed in paragraph no.14 as under:

“In any case, the issue regarding the legality of the meeting and constitution of quorum are required to be decided under Section 91 by the Cooperative Court by leading evidence and not by the Assistant Registrar or the Collector and, therefore, we are of the opinion that the resolution of the Managing Committee which is acted upon by including the appellant's name in provisional voters' list cannot be ignored unless and until it is set aside by the Court of competent jurisdiction. Therefore, there is no doubt in our mind that Additional Collector rightly rejected objections of the respondent No. 4 and this order ought not to have been interfered with in the writ petition.”

9. In light of aforesaid observations and particularly considering effect of non-inclusion of petitioner's name in voters list i.e. adverse effect on substantive right of member/society, respondent no.2 could not have entertained objection merely on basis of stand taken by Administrator. It is not case where Resolution is passed nominating some other member as delegate of respondent no.3. If respondent no.5 had any objection regarding Resolution of respondent no.3/society nominating petitioner as delegate, his remedy was under Section 91 of Maharashtra Co-operative Societies Act, 1960.

10. In that view of matter, keeping in mind democratic principles and right of respondent no.3/society to participate in election of respondent no.4/ADCC Bank, Writ Petition deserves to be entertained by setting aside impugned order. Hence, following order is passed:

ORDER

a. Writ Petition is allowed in terms of of prayer Clause (B).

(S. G. CHAPALGAONKAR)
JUDGE