IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5191 OF 2026

UDAY SHIVAJI JAGTAP
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Date: 2026.10.13 20:48:02 +0530

Ved Ganga Dudh Sahakari Sanstha Maryadit & Anr. … Petitioners

Vs.

The Divisional Deputy Registrar, Co-operative Societies / District Co-operative Election Officer, Pune and Ors. … Respondents

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Mr. Shrikrishna Ganbavale a/w Shantanu Patil for the Petitioners

Mr. Dilip Bodake a/w Sharad Bhosale, Amar Dhumal, Mohsin Khan, Viraj P. Dhumal for Respondent No1.

Mr. Bhooshan R. Mandlik a/w Shivam Walekar, Sameeta Jankar for Respondent No.4.

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CORAM : SHAILESH P. BRAHME, J.

DATED : 9th OCTOBER, 2026.

FINAL ORDER :

. Heard both sides.

2. The petitioners are assailing order dated 31.08.2026 passed by respondent no.1 - Returning Officer and simultaneously seeking direction to uphold the nomination of the petitioner no.2 and necessary correction in the final voters' list by removing nomination of the respondent no.4.

3. The counsels appearing for the respondents have raised preliminary objection on the ground of latches, entertaining petition.

when election process is set into motion and involvement of disputed questions of facts.

4. The learned counsel appearing for the petitioners would submit that time was consumed in collecting the required documents to present the petition. The indulgence is possible though the election process has commenced. The name of the petitioner no.1. is already included in the final voters' list and the dispute pertains to the nomination of its representative. It is submitted that respondent no.4 is neither member nor eligible to be nominated. It is submitted that the claim of the petitioners is arbitrarily and illegally discarded, relying on report dated 31.07.2026 of Assistant Registrar. By following due procedure of law, the petitioner no.1 passed a Resolution nominating the petitioner no.2. As against that, the claim of the respondent no.4 is not supported by the petitioner no.1 - society. It is vehemently submitted that the respondent no.1 did not properly appreciate the objection and failed to adjudicate the rival claims.

5. *Per contra*, the learned counsel Mr. Dilip Bodke appearing for the respondent no.1 and the counsel for the respondent no.4 Mr. Mandlik, would advert my attention to election program to buttress that interference at this stage is impermissible. My attention is also adverted

to the common judgment rendered by this court in a group of petitions on 12.08.2026 and 03.09.2026. It is further submitted that the rival claims of the parties are disputed questions of facts, which cannot be adjudicated in the writ jurisdiction.

6. In rejoinder, learned counsel, Mr. Ganbhavale would place on record the certified copies of the Audit Report and proforma- 'I' and 'J' to show that respondent no.4 is not a member of the society and the petitioner No. 2 is a member and validly nominated.

7. The petition is filed on 07.10.2026 assailing order dated 31.08.2026 passed under Rule 11(3) of the Rules of 2014 by the Respondent no.1. This Court entertained various petitions challenging the orders passed under Rule 11 by the Returning Officer in respect of self-same election process. It is not that in all matters indulgence has been caused, but wherever it was permissible without obstructing the election process, the reliefs are granted. The memo of the Writ Petition does not spell out any specific reason as to why the petitioners could not approach this Court promptly.

8. I have considered the oral submissions of learned counsel, Mr. Ganbhavale, that all the documents were not available and the time was consumed to secure the documents, especially the report dated

31.07.2026. It cannot be countenanced that the relevant documents were not available for the petitioner no.1 - society to prefer Writ Petition. The petitioner no.1 - society was one of the petitioners in both rounds of litigation before High Court, in which common judgment was delivered on 12.08.2026 and thereafter on 03.09.2026. The reasons assigned for causing laches cannot be accepted. The petitioners without any reasons waited for 45 days and seeking indulgence in the process of election, which is improper and fatal.

9. The impugned order was already subjected to challenge by the petitioner no.1 - society by preferring Writ Petition No.4341 of 2026 along with other societies. By common judgment rendered on 03.09.2026 by this Court, the Writ Petitions were allowed and order dated 31.08.2026 was quashed. Needless to mention that petitioner no.1 succeeded in getting the selfsame impugned order quashed. Therefore, there is no point again in seeking quashment of the order. The Writ Petition is liable to be dismissed to the extent of challenge to order dated 31.08.2026.

10. It is articulated by learned counsel, Mr. Ganbavale, that the objections raised by the rival parties were not dealt with in correct perspective. The objector was the petitioner no.2 and she was objecting

the claim of the respondent no.4 on the ground that he was not member and eligible to be nominated. The final voters' list discloses the nomination of the respondent no.4 on behalf of petitioner no.1 - society. The challenge to his claim would involve in-depth objective inquiry, which is outside of the purview of Rule 11 of the Rules of 2014. The petitioners and respondent no.4 have rival claims for the membership and nomination. The documents produced by the petitioners to corroborate claim of petitioner no.2 are pitted against the Writ Petition No.3168 of 2026 filed by the respondent no.4 exclusively on behalf of the petitioner no.1 - society. The disputed questions of facts cannot be gone into and it would be better to relegate the matter to the competent forum under Section 91 of the Act. Otherwise also, it is held by Division Bench of Bombay High Court in **Kamlabai Vitthal Rohankar Vs. Additional Collector and Ors.** (2007) 3 AIR Bom. R 308 that validity of the Resolution nominating a particular person would fall within realm of Section 91 of the Act. A useful reference can be made to paragraph no. 17. I find merits in the submissions of the respondents. The indulgence is not possible in the given facts and circumstances of the case.

11. I have gone through the election program. When the petition is being heard on 09.10.2026, the stage of allotment of symbol to the Nominated candidates was over. The voting is scheduled on 18.10.2026

and the counting is on 19.10.2026. I propose to follow the principle that interference in the election process is not permissible at this stage. Any declaration in favor of respondent no.2 is likely to create complications.

12. The Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)