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

WRIT PETITION NO. 5538 OF 2026

Vijaykumar Tate Deshmukh ... Petitioner
V/s.
State of Maharashtra Thr. Principal Secretary Co-operation Marketing and Textiles Department And Ors. ... Respondents

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Adv. S. S. Patwardhan (Through VC) a/w Adv. Abhijit Kulkarni (Through VC) and Adv. Abhay A. Jadhavar, for the Petitioner.
Mr. Sanjay D. Rayrikar, AGP, for the Respondent No.1 – State.
Mr. Ruturaj P. Pawar, for the Respondent Nos.2 and 3.
Mr. Shekhar Jagtap (Through VC) a/w Mr. Sanket Khandagale i/b J. Shekhar Associate, for the Respondent Nos.5 to 26.

CORAM : SHAILESH P. BRAHME, J.

DATED : OCTOBER 29, 2026

P.C.:

1. Petitioner is challenging orders dated 09/10/2026 passed by respondent Returning Officer under Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (hereinafter referred to as "Rules" for the sake of brevity and convenience), allowing the objection petitions, thereby changing classification of respondent from 'E' Class constituency to 'C' Class constituency.

2. The election process of respondent No.4-Solapur District Central

Co-operative Bank is underway. The provisional voter list was prepared and respondent Nos.6 to 27 were shown in electoral constituency Class 'E'. That was objected before the Returning Officer. The objection was sustained by impugned orders.

3. Learned counsel Mr. S.S. Patwardhan submits that impugned orders are against principles of natural justice. The respondent No. 4 Federal Society was also not heard by the Returning Officer. Without following due procedure of law, the classification was changed vide order dated 24/02/2020. The change of classification is without jurisdiction and has no sanctity of law. It is submitted that in the last election of 2022, those societies were included in constituency Class 'E'. The Returning Officer exceeded his jurisdiction, considering limited scope of enquiry under Rule 11.

4. Per contra, learned counsel Mr. Ruturaj Pawar appearing for the respondent Nos. 2 and 3 would submit that there are disputed questions of facts. The Returning Officer is justified in sustaining the objections by reasoned order. No decision as such is taken by him, but the registration dated 24/02/2020 showing marketing process society is relied on. The petitioner has alternate remedy. It is further submitted that election process has been set into motion and interference is unwarranted.

5. The counsel for the remaining respondents adopted the

submissions and prayed for dismissal of the petition.

6. The electoral 'E' Class constituency is comprising of 752 members, of general society. The electoral 'C' Class constituency is comprising of 88 members of marketing processing societies. The question is shifting of member societies the respondent nos.6 to 27 from above constituencies for which there is a rival claim. The objection was raised for wrong inclusion of these 24 societies in 'E' Class constituency, relying upon the registration dated 24/02/2020. The petitioner was not before the Returning Officer. The objections were invited publicly. The petitioner did not approach the Returning Officer. He was not the necessary party to decide the objections. I do not find that there is violation of principles of natural justice.

7. The Returning Officer did not adjudicate the status of respondent Nos. 6 to 27. He was confronted with the registration dated 24/02/2020, passed by the competent authority, transforming those societies into marketing processing societies. Relying upon the change in registration, the objections were sustained. Accordingly, the direction was given to shift them from 'E' Class societies to 'C' Class societies. I do not find any error of jurisdiction or perversity in the impugned orders.

8. The submissions of the petitioner that the change of registration is against Section 17 of the Maharashtra So-operative Societies Act,

1960 and it was without jurisdiction, cannot be countenanced at this stage of the proceedings. Similarly, just because those 24 societies were included in Class 'E' societies in earlier elections held in 2022, cannot be reason to re-shift them in the same constituency. The disputed questions of facts are involved in the present petition. The petitioner has alternate remedy of taking recourse to the remedy available in law after conclusion of the elections.

9. The election process has set into motion from 26/10/2026. No interference is warranted in such a situation. I find no reason to interfere in the election process.

10. Writ Petition is dismissed.

(SHAILESH P. BRAHME, J.)

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