

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

WRIT PETITION NO.1672 OF 2026

Udhav Laxman Jadhav

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Vaibhav R. Gaikwad a/w Abhishek Phanse, for the Petitioner.

Mr. R. P. Kadam, 'B' Panel Counsel, for Respondent Nos.1 to 3-State.

*Mr. Sanjeev Kadam, Senior Advocate a/w Prashant Raul & Varsha Thorat
i/b Aarya V. Ambulkar, for Respondent No.4.*

Mr. Ruturaj P. Pawar, for Respondent Nos.6 & 7.

**Coram: Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date: April 16, 2026

P.C.:

1. Heard Mr. Gaikwad, learned Counsel appearing for the Petitioner, Mr. Kadam, learned AGP, for Respondent Nos.1 to 3-State, Mr. Sanjeev Kadam, learned Senior Counsel appearing for Respondent No.4 and Mr. Pawar, learned Counsel appearing for Respondent Nos.6 and 7.

2. By the present Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has sought relief seeking quashing and/or setting aside the Election Program dated 1st April 2026, declared by Respondent Nos.5, 6 and 7 in respect of Respondent No.4-Society. As per the said Election Program, date of submission of

nominations is from 6th April 2026 to 10th April 2026, date of scrutiny of nominations is 13th April 2026, date of declaration of nomination form is 15th April 2026 and date of withdrawal of applications is from 15th April 2026 to 29th April 2026. On 30th April 2026, the final list of candidates contesting the election is to be published and the date of election is 9th May 2026.

3. At the outset, it is required to be noted that the Petitioner's wife is contesting in the said election and the Petitioner is the proposer of two other candidates.

4. In view of the said position, Mr. Pawar, learned Counsel appearing for Respondent Nos.6 and 7 has relied on the decision of the Supreme Court in ***Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra***¹, and more particularly on Paragraph 12 of the same, which reads as under:

"12. In view of our finding that preparation of the electoral roll being an intermediate stage in the process of election of the Managing Committee of a specified society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality or breach of rules while preparing the electoral roll. It is not disputed that the election in question has already been held and the result thereof has been stayed by an order of this Court, and once the result of the election is declared, it would be open to the appellants to challenge the election of the returned candidate, if aggrieved, by means of an election petition before the Election Tribunal."

5. Thus, it is clear that in the present case, the election process has

1 (2001) 8 SCC 509

already been set in motion and, therefore, as per the settled legal position, the High Court should not stay the continuation of the election process, even though there may be some alleged illegality or breach of rules while preparing the electoral roll.

6. The submissions of Mr. Gaikwad, learned Counsel for the Petitioner are required to be considered in view of the said legal position.

7. It is the main submission of Mr. Gaikwad, learned Counsel, that 32 members included in the final voter list are not residing within the jurisdiction of the Society and do not possess 10 gunthas of land.

8. It is required to be noted that these 32 members have not been made parties to the present Petition. Thus, the Writ Petition deserves to be dismissed on this ground alone, apart from the above aspect that the election process has already been set in motion.

9. Mr. Pawar, learned Counsel, has relied on the decision of this Court in ***Maruti Sheku Mote v. State of Maharashtra***², and more particularly on Paragraph 7 of the same. In that case, the Division Bench observed that the Petitioner had not impleaded the members, whose names were sought to be deleted from the provisional list, as party respondents and, therefore, that was an additional ground for refusing to entertain the aforesaid Petition.

2 2022 SCC OnLine Bom 10392

10. In the present Petition also, admittedly, the 32 members whose names are sought to be deleted have not been made parties. Accordingly, no interference in the Writ Petition is warranted.

11. The Writ Petition is dismissed, however, with no order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]