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

WRIT PETITION NO.5668 OF 2026

Shahalam Khan & Others	... Petitioners
V/s.	
The State of Maharashtra & Ors.	... Respondents

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Mr. Vivek Shukla i/by Mr. Manish Tomar for the petitioners.

Mrs. Ashwini A. Purav, AGP for respondent Nos.1 to 4-State.

Mr. Kapil P. Shetye with Mr. Jgdish Desai and Mr. Nikhil Gole for respondent Nos.6 to 10.

CORAM : AMIT BORKAR, J.

DATED : APRIL 29, 2026

P.C.:

1. It is appearing from the record and material placed that what is described as election is not in accordance with law as required. The law governing such matter is mandatory. The provisions under Section 73-CB of the Maharashtra Cooperative Societies Act, 1960 are clearly laying down that election of managing committee must be conducted in manner prescribed. Further, the Maharashtra Cooperative Societies (Committee Election) Rules, 2014 are giving detailed procedure. When such statutory scheme is available, the members of society cannot, by their own convenience or understanding, adopt some different method and call it election. If such liberty is allowed, then entire purpose of having statutory

election machinery will be defeated. Therefore, when the so-called election is conducted without following these binding provisions, it cannot be said to be a valid election in the eyes of law.

2. It is further seen that reliance is placed on a general body resolution wherein certain persons are said to have been elected unanimously as members of the managing committee. Election is not only about absence of opposition. It is about compliance with procedure. Even if all members agree, still the law requires that election process must be followed. There must be notification, eligibility scrutiny, nomination process, and opportunity for contest. A mere resolution passed in a meeting cannot substitute this entire statutory framework. Therefore, such resolution cannot be elevated to status of election. In absence of a valid election, the persons so chosen cannot claim right to continue as managing committee members. Their continuation would amount to bypassing statutory mandate, which is not permissible. Hence, their position becomes without authority in law.

3. In such situation, it becomes necessary that proper corrective step is taken without delay. The Authorized Officer, who is entrusted with duty under the statutory scheme, cannot remain passive. Immediate action is required to restore legality. Therefore, direction is required to be issued to the Authorized Officer to initiate election process forthwith. The word forthwith is used deliberately, as delay in such matters affects functioning of the society and also the democratic structure intended by law. Further, once process is initiated, it should not remain pending for long duration. Hence, it is directed that declaration of election program

shall be made within two weeks from today. The Election Authority shall thereafter ensure that the entire process is completed within minimum possible time. This direction is necessary to avoid administrative lethargy and to ensure that duly elected body takes charge at earliest.

4. In view of above discussion and findings, no further adjudication is required in the present writ petition. The relief is moulded in terms of ensuring fresh lawful election.

5. In view of the foregoing discussion and reasons recorded, the following order is passed:

(i) The Authorized Officer is directed to immediately initiate the process of election of the managing committee in accordance with law and shall declare the election programme within a period of two weeks from today;

(ii) The Election Authority shall ensure that the election process is completed within minimum possible period, strictly in accordance with the Rules of 2014;

(iii) It is clarified that till a newly elected managing committee assumes charge, the affairs of the society shall be managed in accordance with law under supervision of the Authorized Officer;

(iv) The writ petition stands disposed of in above terms. No order as to costs.

(AMIT BORKAR, J.)