



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 286 OF 2026

Ashok Uttamrao Kohar, Aged 69 years, Occ. Agriculturist,
R/o Chohogaon, Po. Lohagad, Tq. Barshi Takli, Dist. Akola,
Member of Seva Sahakari Society Ltd., Chohogaon, R.No.
530, Tq. Barshi Takli, Dist. Akola – 444 401.

PETITIONER

VERSUS

1. District Cooperative Election Officer, Divisional
Joint Registrar of Cooperative Societies, Amravati.
2. Akola-Washim District Central Cooperative Bank Ltd.,
Akola, Tq. District Akola. Through its CEO.
3. Seva Sahakari Society Ltd., Chohogaon, R.No.530,
Tq. Barshi Takli, District Akola – 444 401.
4. Gopal Damodar Kakad, Age: 51 years, Occ. Agriculturist,
R/o Morgaon Kakad, Tq. Barshi Takli, Dist. Akola.
Representative of Seva Sahakari Society Ltd.,
Chohogaon, R.No.530, Tq. Barshi Takli, Dist. Akola.

RESPONDENTS

Smt. S.W. Deshpande, counsel for the petitioner.
Ms P.T. Joshi, Assistant Government Pleader for the respondent no.1.
Shri R.R. Deo, counsel for the respondent no.2.
Shri H.V. Budhe, counsel for the respondent no.3.
Shri H.D. Dangre, counsel for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 17, 2026

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner challenges the order dated 09.01.2026 passed by the respondent no.1-District Cooperative Election Officer-Divisional Joint Registrar of Cooperative Societies, Amravati allowing the objection raised by the respondent no.4 and resultantly directing deletion of the name of petitioner from the preliminary voters list of the respondent no.2-Bank.

3. The petitioner claims to be a Member of the respondent no.3-Seva Sahakari Society Limited (for short, 'the Society') since last about thirty years. It is the petitioner's case that although he was elected as Director of the said society, he had submitted his resignation on 08.08.2025 which was accepted in the General Meeting of the society and even the Secretary of the respondent no.3-Society has informed about this fact to the respondent no.1. It is submitted that in view of the resignation, the petitioner was no more the Director of the respondent no.3-Society and as such his name was rightly included in the provisional voters list of the respondent no.2-Akola-Washim District Central Cooperative Bank Limited, Akola (for short, 'the Bank'). Despite this, the respondent no.4 raised an objection under Rule 11(1)(2) of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 (for short, 'the Rules of 2014') and prayed for deletion of the petitioner's name from the provisional voters list. The objection came to be allowed by order dated 09.01.2026 and this order is subjected to challenge by way of instant petition.

4. It is pointed out by the learned counsel for the petitioner that the provisional voters list was finalized on 13.01.2026, however further election programme was yet to be declared and therefore the petition is urgently taken up for consideration.

5. The learned counsel for the petitioner vehemently submitted that in view of the resignation of the petitioner on 08.08.2025 as Director of the respondent no.3-Society, there was no question of deleting his name from the provisional voters list. She submitted that even though the petitioner

is an eligible voter, he is deprived from participating in the election process of the respondent no.2. She also submitted that the impugned order is passed in colourable exercise of power and by ignoring the purport of provisions of Rule 11 of the Rules of 2014.

6. As against this, Shri H.D. Dangre, learned counsel for the respondent no.4 raised objection to the maintainability of the petition on the ground of alternate remedy of filing an election petition under Section 91 Maharashtra Cooperative Societies Act, 1960 read with Rule 78 of the Rules of 2014. In support of his submissions, he placed reliance upon the judgment of Division Bench of this Court in *Dattatray Genaba Lole & Others Versus Divisional Joint Registrar, Cooperative Societies & Others* [(2021) 2 HCC (Bom) 612]. As regards contentions on merits, he vehemently submitted that the petitioner's name was wrongly added in the provisional voters list despite the fact that he has never resigned from the post of Director of the defaulter Society. By inviting attention to the minutes of the meetings dated 08.08.2025 and 27.11.2025 of the respondent no.3-Society, he submitted that the petitioner has actively performed the work as Director of the Society even after 08.08.2025 and thus, the alleged resignation was not effected. He submitted that the respondent no.1 has rightly considered the fact that there were several irregularities and discrepancies in the minutes of the meetings which were found to be suspicious and hence were unreliable. He also submitted that the petitioner has actually worked as Director of the said Society and as such the petitioner's name was required to be deleted as directed by the impugned order.

7. A perusal of the impugned order shows that the respondent no.1 has given thoughtful consideration to the contentions canvassed on behalf of the objector. After giving due opportunity to the parties concerned, including the petitioner, the impugned order has been passed. It has been recorded after perusing the minutes of the meeting dated 08.08.2025 that the subject about acceptance of resignation of the petitioner was mentioned in the beginning of the minutes although under the caption 'subjects to be taken with the permission of the Chair'. Apart from this, it has been specifically observed that the resolution in that regard was written in different handwriting and in the available space on the particular page. Further, on the basis of record, it is inferred that in the subsequent meetings held on 20.08.2025, 11.09.2025 and 10.10.2025, the name of the petitioner was shown as Director of the respondent no.3-Society. Further, it is noted that the notice of the Director's Meeting which was scheduled for 27.11.2025 was accepted by the petitioner in the capacity of Director and as such, it was concluded that the contentions about the petitioner's resignation were not acceptable.

8. In this regard, the learned counsel for the petitioner submitted that any of these irregularities cannot be considered as illegalities of such an extent to conclude that the petitioner is actually working as Director of the respondent no.3-Society. She submitted that the alleged change in handwriting in the minutes of meeting dated 08.08.2025 cannot be

attributed to the petitioner. It is also submitted that there is no signature of the petitioner on the minutes of the Director's meetings held on 20.08.2025, 11.09.2025 and 10.10.2025 and further the signature on the acknowledgment of the notice dated 27.11.2025 is also a disputed question of fact.

9. In the wake of the arguments canvassed on behalf of the petitioner, it becomes clear that there are several disputed questions of fact involved, particularly about discrepancies/irregularities in the minutes of meeting dated 08.08.2025 and subsequent meetings referred above. There is nothing on record to show any kind of objections / actions on the part of the petitioner about mentioning his name as Director even after his resignation on 08.08.2025. During the course of arguments, the original register of the minutes of the meeting was produced before the Court and on its perusal it is revealed that there are several blank pages in the entire register and the proceedings are written from backwards. As regards the resolution dated 08.08.2025 passed in the meeting in which the resignation was allegedly accepted, a perusal of the same shows that there is difference in handwriting with respect to the subject of resignation and other subjects. In the wake of these apparent irregularities, it cannot be conclusively said that the petitioner had actually tendered the resignation and became entitled to be included as a voter in the list of voters of the respondent no.2-Bank.

10. A perusal of the impugned order shows that the respondent no.1 has given due consideration to the contentions of the objector and the discrepancies about the minutes of the meetings. In view of the fact that the petitioner worked as Director of the respondent no.3-Society, which is undisputedly a defaulter society, by virtue of Section 27(1) of the Maharashtra Cooperative Societies Act, 1960, the petitioner cannot represent the said Society for the purposes of election of Members of the Managing Committee of the federal society. As such, no perversity is seen with the impugned order passed by the respondent no.1 and hence, no indulgence is warranted under Article 227 of the Constitution of India.

11. The writ petition accordingly fails and is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)