



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

WRIT PETITION NO. 916 of 2026

Vivek Haribhau Hiware

vs.

The State of Maharashtra, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Akshay A. Naik, Senior Advocate a/b Mr. R. R. Deo, Advocate for petitioner.
Mr. D. V. Chauhan, Senior Advocate/Government Pleader a/b Mr. N. S. Rao, AGP for
respondent nos. 1 to 3.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 5th FEBRUARY, 2026.

Heard Shri Akshay Naik, the learned Senior counsel assisted by
Shri Rohan Deo, learned counsel appearing for the petitioner.

2. At the outset, Shri Naik, the learned Senior Counsel seeks
permission to correct the prayer clauses.

Permission granted. Necessary corrections be carried out
forthwith.

3. The petitioner, who is an agriculturist and member of an
affiliated society of the respondent no.4-The Akola-Washim District
Central Co-operative Bank, Akola, has been nominated by the society
as a voter in the elections of the aforesaid Bank, has approached this
Court seeking challenge to the order dated 05.12.2025 issued by the
respondent no.1 thereby postponing the elections of the District
Central Co-operative Banks in the State of Maharashtra invoking the
provisions of Section 73CC of the Maharashtra Cooperative Societies
Act, 1960 (for short, the Act of 1960) and the reason cited is, ensuing
elections of the Local Authorities within the State of Maharashtra.

4. Shri Naik, learned Senior Counsel, submits that the aforesaid impugned order dated 05.12.2025 is in violation of the mandate provided under Article 243ZK of the Constitution of India and Section 73 C-B (10) of the Act of 1960. The aforesaid provisions casts duty on the respondent no.2-Authority to conduct the elections of such banks within the expiry of the period of the Executive Committee of the aforesaid Bank. Shri Naik further submits that the tenure of the present Executive Committee of the respondent no.4-Bank is going to expire on 20.02.2026.

5. His further submission is that the impugned order dated 05.12.2025 invokes the provisions of Section 73 CC of the Act of 1960 on the ground that the elections of the Local Authorities namely Zilla Parishads and Panchayat Samitis are going on and hence the elections of the respondent no.4-Bank is to be postponed. However, the fact remains that the election programme issued by the Election Commission of the Maharashtra State is pertaining to the Local Authorities of Western Maharashtra; whereas, the respondent no.4-Bank falls within Vidarbha Region of the State of Maharashtra and hence there is no impediment for conducting the elections of the respondent no.4-Bank.

6. In that view of the matter, we dispose of the writ petition with a direction to the respondent no.1 to re-consider its decision dated 05.12.2025 so far as the respondent no.4-Bank is concerned in view of the findings recorded above. Such decision shall be taken by the respondent no.1 within a period of one week from today.

7. The petitioner undertakes to produce the copy of this order before the respondent no.1 within a period of two days from today, so also the learned Government Pleader is directed to communicate the order passed by this Court today to the respondent no.1.

8. Decision taken thereupon by the respondent no.1 shall be communicated to the petitioner, so also the respondent nos. 2 and 4 within a period of three days from the date of decision.

9. With these directions, the writ petition is disposed of. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.