



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

WRIT PETITION NO. 1721 OF 2026

Adivasi Vividh Karyakari Sahakari Sanstha Ltd. Muttapur,
Registration no.1204, Ta.Sironcha, District Gadchiroli,
Through its Election Representative Manchla Vyenkateshwar
Rajdu, Aged : 64 years, R/o Tekadamotala, Taluka Sironcha,
District Gadchiroli.

PETITIONER

VERSUS

1. State of Maharashtra, through its Secretary,
Department of Co-operation, Mantralaya,
Mumbai – 400032.
2. District Co-operative Election Officer For Elections
to the Gadchiroli District Central Co-operative
Bank Ltd. Gadchiroli cum Divisional Joint Registrar,
Co-operative Societies, Nagpur.
3. The Gadchiroli District Central Co-operative Bank Ltd.
Gadchiroli, Through its General Manager, Gadchiroli,
Taluka and District Gadchiroli.

RESPONDENTS

WITH

WRIT PETITION NO. 1722 OF 2026

Adivasi Vividh Karyakari Seva Sahakari Society Ltd.,
Laxmidevi Petha Regd.no.1201, Tah. Sironcha,
Distt. Gadchiroli, through its Election Representative
Shangoda Vyankateshwar Chandrayya, Aged 72 years,
R/o Laxmidevi Petha, Tah.Sironcha, Distt. Gadchiroli.

PETITIONER

VERSUS

1. State of Maharashtra, through its Secretary,
Department of Cooperation, Mantralaya,
Mumbai – 400032.
2. District Cooperative Election Officer, Gadchiroli
District Central Co-operative Bank Ltd. cum
Divisional Joint Registrar, Co-operative Societies,
Nagpur.
3. Gadchiroli District Central Coop Bank Ltd., Through
its General Manager, Gadchiroli,
Tah. and District Gadchiroli.

RESPONDENTS

WITH

WRIT PETITION NO. 1723 OF 2026

Adivasi Vividh Karyakari Sahakari Sanstha Ltd.,
Pentipakka Registration no.1203, Tah. Sironcha,
through its Election Representative Chinnalasmayya
Mallayya Sudula, R/o Pentipakka (Chek) Post Arda
Taluka Sironcha District Gadchiroli.

PETITIONER**VERSUS**

1. State of Maharashtra, through its Secretary,
Department of Co-operation, Mantralaya,
Mumbai – 400032.
2. District Co-operative Election Officer for elections
to the Gadchiroli District Central Co-operative Bank Ltd.
cum Divisional Joint Registrar, Co-operative Societies,
Nagpur.
3. The Gadchiroli District Central Co-operative Bank Ltd.,
Gadchiroli, Through its General Manager, Gadchiroli,
Taluka and District Gadchiroli.

RESPONDENTS**WITH****WRIT PETITION NO. 1729 OF 2026**

Vividh Karyakari Sahakari Sanstha Ltd., Bori
Registration no.517, Ta. Aheri, Dist. Gadchiroli,
through its governing body member and authorised
person Vijay Mallayya Kokirwar, aged 57 years,
R/o Shivanipath, Taluka Aheri, District Gadchiroli.

PETITIONER**VERSUS**

1. State of Maharashtra, through its Secretary,
Department of Co-operation, Mantralaya,
Mumbai – 400032.
2. District Co-operative Election Officer for elections
to the Gadchiroli District Central Co-operative Bank Ltd.
Gadchiroli cum Divisional Joint Registrar,
Co-operative Societies, Nagpur.
3. The Gadchiroli District Central Co-operative Bank Ltd.,
Gadchiroli, Through its General Manager, Gadchiroli,
Taluka and District Gadchiroli.

RESPONDENTS**WITH**

WRIT PETITION NO. 1730 OF 2026

Adivasi Vividh Karyakari Sahakari Sanstha Ltd., Bamni
Registration no.1213, Ta. Sironcha, Dist. Gadchiroli,
Through its Election Representative Venkata Wella Veladi,
aged 59 years, R/o Venalaya, Taluka Sironcha,
District Gadchiroli.

PETITIONER**VERSUS**

1. State of Maharashtra, through its Secretary,
Department of Co-operation, Mantralaya,
Mumbai – 400032.
2. District Co-operative Election Officer for elections
to the Gadchiroli District Central Co-operative Bank Ltd.
Gadchiroli cum Divisional Joint Registrar,
Co-operative Societies, Nagpur.
3. The Gadchiroli District Central Co-operative Bank Ltd.,
Gadchiroli, Through its General Manager, Gadchiroli,
Taluka and District Gadchiroli.

RESPONDENTS

Shri V.N. Morande, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent nos.1 & 2.
Shri M.V. Samarth, Senior Advocate with Shri C.M. Samarth, counsel for the
respondent no.3.

CORAM : PRAFULLA S. KHUBALKAR, J.**DATE : MARCH 12, 2026****ORAL JUDGMENT**

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

2. By these petitions, the petitioners have challenged the orders
passed by the respondent no.2-District Cooperative Election Officer
upholding deletion of name of the petitioner-Society from the final voters
list.

3. In all the petitions, the controversy has arisen during the process of elections of the respondent no.3-The Gadchiroli District Central Cooperative Bank Limited (for short, 'the respondent no.3-Bank'). The petitioner-Society has claimed that the deletion of its name from the final voters list is in violation of Rule 10(4) of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 (for short, 'the Rules of 2014') as sub-Rule 4 of Rule 10 empowers the petitioner-Society to change the name of its representative and despite following the procedure contemplated therein, the name of the petitioner's representative is not accepted, resultantly deleting the name of the petitioner-Society from the final voters list.

4. While canvassing the arguments on behalf of the petitioners, it is submitted that the impugned order passed by the respondent no.2 is unsustainable in law being passed by ignoring Rule 10(4) of the Rules of 2014 and an attempt was made to pursue the case on merits to point out the entitlement of the petitioner-Society to change the name of its representative for protecting its right to participate in the election as voter and contest the election, if required. However, this Court is of the opinion that considering the position of law which has been settled in various judgments with regard to interference with election process, the very maintainability of the present petitions is in serious doubt.

5. Pertinent to note, the respondents have raised an objection to the maintainability of the petition *firstly* on account of locus of the petitioner

and *secondly* on account of availability of alternate remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960 (for short, 'the Act of 1960'). In support of their contentions, today, the respondent no.3 has filed on record an affidavit dated 12.03.2026 sworn by the Secretary of the petitioner-Society stating therein that the petitioner-Society has neither resolved to file any petition in this Court nor has given any authority to the person, who has sworn the instant petition initially. On the basis of this affidavit, it is submitted that since the petitioner-Society has not resolved to file the petition challenging the impugned order nor authorized anybody to swear the affidavit on its behalf, the alleged representative of the society in respective petitions viz. Manchla Vyankateshwar Rajdu in Writ Petition No.1721 of 2026, Shangonda Vyankateshwar Chandrayya in Writ Petition No.1722 of 2026, Chinnalasmayya Mallayya Sudula in Writ Petition No.1723 of 2026, Vijay Mallayya Kokirwar in Writ Petition No.1729 of 2026 and Venkata Wella Veladi in Writ Petition No.1730 of 2026 had no authority and therefore the petitions deserve to be dismissed on this count.

6. As regard the second objection about maintainability of the petition, Shri M.V. Samarth, learned Senior Advocate for the respondent no.3 relied upon various judgment of the Hon'ble Supreme Court and this Court including the judgments in (1) *Dattatray Genaba Lole & Others Versus Divisional Joint Registrar, Cooperative Societies & Others* [(2021) 2 HCC (Bom) 612], (2) *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha & Another Versus State of*

Maharashtra & Others [(2001) 8 SCC 509], (3) *Pandurang Laxman Kadam & Others Versus State of Maharashtra & Others* [2016 (4) All MR 629] and the judgment of the Full Bench of this Court in *Karmaveer Tulshiram Autade & Others Versus State Election Commission, Mumbai & Others* [2012(2) Mh.L.J. 349]. By pointing out legal position from all these judgments, he vehemently submitted that the dispute sought to be raised by way of instant petitions can be adjudicated by way of an election petition under Section 91 of the Act of 1960 and therefore the writ petition deserve to be dismissed. It is also submitted that the election programme is already declared on 06.03.2026 and the last date of submission of nomination form is tomorrow i.e. 13.03.2026 and therefore at this stage, no interference is warranted with the election process.

7. To counter the arguments about maintainability of the petitions, Shri V.N. Morande, learned counsel for the petitioner-Society relied upon several judgments of this Court as well as of the Hon'ble Supreme Court including the judgment of (1) *Tiwsa Santra Bagayatdar Sahakari Sanstha, Tiwsa Versus Resident Deputy Collector and Election Officer, Amravati & Others* [2011(1) Mh.L.J. 614], (2) *Pundlik Versus State of Maharashtra & Others* [(2005) 7 SCC 181] and (3) *Sangli Urban Co-operative Bank Ltd. Versus State of Maharashtra & Others* [(2015) 5 Mah LJ 242] and submitted that despite the declaration of the election programme, interference is permissible in exceptional circumstances. He submitted that inclusion of the name of the petitioner's representative in the final

voters list would not amount to interference in the election process and therefore the writ petitions need to be entertained.

8. After giving anxious consideration to the position of law emanated in the judgments relied upon by the parties, it has to be noted that the preparation of the voters list is held to be a part of the election process and it is settled position of law that once the election process has been set in motion, the High Court cannot interfere under Article 226 of the Constitution of India, unless exceptional case is made out warranting interference to subserve the conduct of election.

9. Considering the position of law as laid down in ***Dattatray Genaba Lole & Others*** (supra) laid down by the Division Bench of this Court, it is amply clear that there is a statutory remedy available to the petitioners to challenge the elections after the results are declared and to raise dispute within statutory framework. It is clear that the dispute sought to be raised by the petitioners can very well be raised by way of an election dispute. It is also to be seen that any correction of the final voters list at this stage would not be a step in the process of subserving further election process which is the primary requirement for interference with the elections. The position of law laid down by the Division Bench in ***Pandurang Laxman Kadam & Others*** (supra) is thus relevant for deciding the controversy about maintainability of the instant petitions.

10. While considering the facts in Writ Petition No.1722 of 2026, it has to be noted that the reason for deletion of the name of the petitioner's

representative from the final voters list is on account of its categorization in 'D' Class Audit Category and this decision is assailed by pointing that the respondent no.2 has wrongly applied Clause 35(4) of the bye-laws which operate in different situation. It is seen that the decision of even this issue would not be a step in the process of subserving further election process and hence no interference is warranted.

11. Without going into the merits of the impugned orders and even if presuming that the impugned orders could require interference on any count, the consequences of interference at this stage would be correction of final voters list which has already been published and the election programme has also advanced and therefore that would clearly amount to interference in the process of election which is not warranted at all.

12. It is very crucial to note in these cases that the very locus of the petitioner who has sworn the petition is questioned by the society itself. The affidavits dated 12.03.2026 filed in each of the petitions by the Secretary of the society, raises serious doubts about the authority of the petitioner to contest these petitions. There is no counter affidavit to reply to this affidavit neither any time is sought to file any counter affidavit to this affidavit. Under this situation, the only oral reply submitted by the petitioner that despite this affidavit, the earlier resolution about nominating the petitioner as the representative of the society is not cancelled, does not find appealing, to the extent of nullifying the effect of affidavits submitted on record. Thus, the maintainability of the petitions on this count is in serious doubt.

13. In view of above position, I am of the firm opinion that any plea or claim which the petitioners may have with respect to the impugned orders allegedly depriving them of a right to participate in the elections can always be made subject matter of an election petition. Although in view of the position of law, it can be argued that the interference under writ jurisdiction can be made in exceptional circumstances, however having regard to the controversy involved and the position of law as laid down in the judgments referred above, I am of the firm opinion that the petitioners have failed to make out any exceptional case in their favour in these petitions warranting interference by this Court.

14. In view of above, no indulgence is warranted with the impugned orders. The writ petitions are therefore dismissed with no order as to costs. Rule stands discharged.

15. Needless to state, this Court has not expressed any opinion on the merits of the matter and the petitioners are entitled to raise their contentions on merits in case election dispute is filed. Order accordingly.

(PRAFULLA S. KHUBALKAR, J.)