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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1840 OF 2026

PETITIONER

- 1) Seva Sahakari Society, Sawargaon-Kanhoba, Registration No.: - 673, At Sawargaon (Kanhoba), Post Jogaldari, Tq. Mangrulpir, Dist. Washim – 444403 Through its Representative, Sau. Sanjivani Anand Raut, Age: - 38 years, Occ.: - Housemaker, R/o. c/o. Seva Sahakari Society, Sawargaon-Kanhoba, Registration No.: - 673, At Sawargaon (Kanhoba), Post Jogaldari, Tq. Mangrulpir, Dist. Washim - 444403

...VERSUS...

RESPONDENTS

- 1) District Co-operative Election Authority & Divisional Joint Registrar, Co-operative Societies, Amravati
- 2) The Akola-Washim District Central Co-operative Bank, Ltd. Akola, Tq. & Dist. Akola, through its Chief Executive Officer.
- 3) Kasola Seva Sahakari Sanstha, Registration No.343, Kasola, At Post Falegaon, Tq. Mangrulpir, Dist. Washim – 444403 Through its Chairman, Shri Babarao Uttamrao Chaudhary.

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- 4) Shri Subhash Pandharinath Thakare,
Age:- 75, Occ: - Agriculturist, R/o.
Kasola, At Post Falegaon, Tq. Man-
grulpir, Dist. Washim – 444403
- 5) Shri Rameshwar Subhash Thakare,
Age: - 43 years, Occ: - Agriculturist,
R/o. Kasola, At Post Falegaon, Tq.
Mangrulpir, Dist. Washim – 444403

**R. Nos.6 & 7 added as per Court's
Order dated 05.03.2026.**

- 6) Atmaram Mahadji Gawande,
Age :- Adult, Occ. Agriculturist, R/o.
Varud (budruk), Post Mangrulpir, Tq.
Mangrulpir, Dist. Washim- 444403.
- 7) Kiran Suresh Chaudhari, Age :- 35
years, Occ. Agriculturist, R/o. Chehel,
Post. Kothari, Tq. Mangrulpir, Dist.
Washim – 444403

Mr. K.P. Mahalle, Advocate for Petitioner.
Ms. K.H. Bhondge, AGP for Respondent No.1/State.
Mr. Rohan Deo, Advocate for Respondent No.2.
Mr. Harish Dangre, Advocate for Respondent Nos.3, 4, 5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 17/03/2026

ORAL JUDGMENT :

1. RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties. Heard Mr. K.P. Mahalle, learned counsel for the petitioner, Ms. K.H. Bhondge, learned AGP for respondent No.1/State, Mr. Rohan Deo, learned counsel for

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respondent No.2, Mr. Harish Dangre, learned counsel for respondent Nos.3, 4 and 5.

2. The instant petition, invoking Articles 226 and 227 of the Constitution of India, is filed at the instance of a Co-operative Society seeking indulgence with the order passed by the District Co-operative Election Authority which has allowed the substitution of representative of respondent No.3 – Society as its representative for elections of respondent No.2 Bank.

3. The controversy arises in the backdrop of the following facts, which are succinctly stated hereinbelow :-

- i. The petitioner as well as respondent No.3 are Co-operative Societies, duly registered under the Act, whereas respondent No.2 – The Akola-Washim District Central Co-operative Bank Ltd., Akola, is a federal society. The petitioner as well as respondent No.3 are members of the respondent No.2 – Bank.
- ii. The elections of Managing Committee of respondent No.2 – Bank for the term 2026 to 2031 have been declared. In accordance with the election program, the final voters list

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has already been published. The date of submission of nomination forms was from 23.02.2026 to 27.02.2026 and according to the election program, the last date for withdrawal of nomination forms is tomorrow i.e. 18.03.2026.

- iii.** The petitioner as well as respondent No.3 – Society are entitled to nominate their representative for voting as well as for contesting the election and accordingly, the names of their representatives were submitted for the purpose of preparing provisional voters list. The respondent No.3 – Society has initially nominated respondent No.5 – Rameshwar Subhash Thakare, as its representative and his name was published in the provisional voters list.
- iv.** Thereafter, respondent No.5 – Rameshwar Subhash Thakare, submitted an application to respondent No.3 – Society and has requested to withdraw his name from the voters list on account of his ill health. Accordingly, the name of respondent No.5 – Rameshwar Subhash Thakare, was substituted with the name of respondent No.4 – Subhash Pandharinath Thakare and an application was

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submitted for correcting the name in the provisional voters list, which was allowed and the name was changed.

- v. The final voters list was published on 13.01.2026 which reflected name of respondent No.4 – Subhash Pandharinath Thakare as representative of respondent No.3 – Society.
- vi. Thereafter, the respondent No.3 – Society submitted an application under Rule 10(4) read with Rule 11(5) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (hereinafter for short referred to as “Rules, 2014”) to respondent No.1 – Election Authority and requested for substitution of name of its representative with name of respondent No.5 – Rameshwar Subhash Thakare.
- vii. The respondent No.1 – Election Authority passed an Order dated 18.02.2026 and permitted respondent No.3 – Society to substitute the name of respondent No.5 – Rameshwar Subhash Thakare as its representative.
- viii. Feeling aggrieved by this Order passed by the Election Authority, permitting the substitution of name of

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respondent No.5 as representative of respondent No.3 – Society, the petitioner – Society has filed the instant petition seeking indulgence under Article 227 of the Constitution of India.

4. Advocate Mr. K.P. Mahalle, learned counsel for the petitioner-Society vehemently submits that the substitution of representative of respondent No.3 – Society is grossly illegal, being contrary to Scheme of Rule 10(4) and Rule 11(1) of Rules, 2014. He submitted that respondent No.3 – Society failed to establish its case for change of name of the representative within the contingencies contemplated by Rule 10(4) of Rules, 2014 and as such, the invocation of Rule 10(4) of Rules, 2014 by respondent No.3 – Society is itself unsustainable. He also submits that the final voters list had already been published on 13.01.2026 and the change of name of representative behind the back of petitioner – Society, deprived it from raising an objection. By inviting attention to Rule 11(1) of Rules, 2014, he submits that the petitioner – Society had a right to raise objection and since, the impugned order is passed by only considering the application filed by respondent No.3 – Society, it is unsustainable in law. He also submits that the reasons mentioned by respondent

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No.3 – Society for change of name under the pretext of alleged resignation by respondent No.4 is an attempt to mislead the authorities and in-absence of any contingencies contemplated under Rule 10(4) of Rules, 2014, the change of name ought not to have been allowed. He also vehemently submitted that the provisions of Rule 11(1) of Rules, 2014, needs purposive construction to enable other society members to raise challenge to the representatives being named in final voters list. He further submits that the rights of the other societies to raise objection to the provisional and final voters list is a valuable right ensuring transparency and fairness in the democratic process of elections.

5. In support of his submissions, Advocate Mr. K.P. Mahalle, learned counsel for the petitioner placed reliance upon the following judgment :-

Sr. No.	Particulars of Citation
1.	<i>Sanjay Vs. State Co-operative Election Authority and Others (and other connected matters)</i> reported in <i>(2024) 1 High Court Cases (Bom) 374 - 2024 SCC OnLine Bom 201</i>
2.	<i>Zahedabi W/o. Abdul Razaque Shete and Others Vs. Maharashtra State Board of Waqf, Aurangabad and Others</i> reported in <i>2020(1) Mh.L.J. 416</i>

3.	Writ Petition No.3254/2016 <i>Sahebrao S/o. Sadashiv More and Others Vs. The District Co-operative Election Officer and Regional Deputy Director, Nagpur and Others</i> decided on 04.08.2016
4.	<i>Ankushbhau and Others Vs. State of Maharashtra and Others</i> reported in <i>2022 SCC OnLine Bom 976</i>
5.	<i>Vishwas Chandar Nejdar-Mane Vs. Shri Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. And Others</i> reported in <i>2015 SCC OnLine Bom 3572</i>
6.	Writ Petition No.2135/2025 <i>Kashiram Gema Rathod Vs. Taluka Co-operative Election Officer & Assistant Registrar, Co-operative Societies, Malegaon, Tq. Malegaon, Dist. Washim and Others</i> decided on 05.05.2025
7.	<i>Vaibhav Manohar Bhokare Vs. State Co-operative Election Authority Pune and Others</i> reported in <i>2023(3) Mh.L.J. 95</i>
8.	<i>Kalambar (BU) Seva Sahakari Society Ltd., Through its Secretary Vs. State of Maharashtra and Others</i> reported in <i>2021 SCC OnLine Bom 6421</i>
9.	<i>Suresh Pannalal Sankhala Vs. Returning Officer, Mahavir Nagari Sahakari Patsanstha Maryadit, Chopda and Others</i> reported in <i>2023 SCC OnLine Bom 629</i>
10.	<i>Kadariling Vividh Karyakari Sahakari (Vikas) Seva Sanstha, thru Chairman and Another Vs. Maharashtra State Co-op Election Authority thru Commissioner and Others</i> (and other connected matters) reported in <i>2022 SCC OnLine Bom 6411</i>
11.	SLP (C) No.17141 of 2025 <i>Mahendra Prasad Agarwal Vs. Arvind Kumar Singh and Others</i> decided on 10.02.2026 by the Hon'ble Supreme Court of India
12.	Writ Petition No.2135/2025 <i>Kashiram Gema Rathod Vs. Taluka Co-operative Election Officer and Assistant Registrar, Co-operative Societies, Malegaon, Washim and Others</i> decided on 29.04.2025

13.	<i>Dattatray Genaba Lole and Others Vs. Divisional Joint Registrar, Cooperative Societies and Others</i> reported in <i>(2021) 2 High Court Cases (Bom) 612 – 2021 SCC OnLine Bom 4579</i>
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6. By pointing out the position of law laid down in these judgments, he submitted that the petitioner – Society has a locus to challenge the substitution of name of representative of respondent No.3 – Society, being a voter of respondent No.2 – Bank. By inviting my attention to the position of law as laid down in *Zahedabi (supra)*, he submitted that in the wake of unilateral action taken by respondent No.3 – Society by getting the change of name of its representative by wrongly invoking Rule 10(4) of Rules, 2014 it has created a situation of anomaly and absurdity, by frustrating the purpose of Rule 11(1) of Rules, 2014. He therefore submitted that there is a need to give a purposeful construction to the Rule 11(1) of Rules, 2014. By inviting attention to the position of law laid down in the other judgments, he submitted that the Writ Court is entitled to interfere with the election process in the wake of glaring illegality demonstrating gross misuse of provisions of law. By inviting attention to the position of law laid down in the judgment passed by Co-ordinate Bench of this Court in *Sanjay (supra)*, he submitted that the voter is entitled to raise an objection to the final voters list and the petition being filed through the

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representative of the petitioner – Society, the objection about maintainability of this petition is unsustainable.

7. As against this, learned AGP as well as learned counsels for the respondents strongly opposed the petition and raised several issues including the objection to the maintainability of the petition on account of locus of the petitioner – Society and the authority of the representative of the petitioner – Society to file the petition.

8. Advocate Mr. H.D. Dangre, learned counsel for respondent Nos.3, 4 and 5 strenuously submitted that the instant petition filed by the petitioner – Co-operative Society challenging the order passed by the Election Authority permitting the change of name of representative under Rule 10(4) of Rules, 2014 is without any locus with the petitioner – Society and thus, liable to be dismissed on that account alone. He submitted that the petition is not maintainable on account of availability of alternate remedy to the petitioner – Society and further in view of the fact that the election process has started an indulgence by this Court is not warranted. He also submitted that the petitioner – Society is not entitled to raise any objection, since Rule 11(1) of Rules, 2014 does not authorize one society to challenge the name of

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representative of another society, which is completely in the realm of Election Authority. He also raised an objection regarding authority of the petitioner – Society to file the petition in absence of any resolution of the society, authorizing anybody to challenge the impugned order.

9. By relying upon the judgment of the Division Bench of this Court in the matter of *Dattatray Genaba Lole (supra)*, he vehemently submitted that the petitioner – Society has failed to make out any case falling in exceptions for interference in the Election Process.

10. The rival contentions thus fall for my consideration.

11. It has to be noted that by this petition, the order passed by the respondent No.1 - Election Authority allowing the change of name of representative of respondent No.3 – Society under Rule 10(4) of Rules, 2014 is challenged by the petitioner – Society. Although, the petitioner has vehemently canvassed that there was no case of invoking the Rule 10(4) of Rules, 2014 in absence of any of the three contingencies contemplated therein, it is crucial to note that the election authority has allowed the application of respondent No.3 – Society under Rule 10(4) of Rules, 2014, by considering its application,

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based on the resignation dated 14.01.2026 of its representative as categorically mentioned in the impugned order.

12. Pertinent to note that respondent No.3 – Society has invoked Rule 10(4) of Rules, 2014 and has established its case before the election authority for change of name of its representative which is allowed on the basis of documents available before the Election Authority. There is no provision in the Rules, requiring the Authority to call upon the objections from all other societies on the application for change of name under Rule 10(4) of Rules, 2014. It is for the election authority to consider the case and decide the issue as to whether the concerned society is entitled to invoke Rule 10(4) of Rules, 2014.

13. In this regard, it has to be noted that Rule 11(1) of Rules, 2014 clearly uses the words ‘concerned society’ and ‘such society’ and thus, there is nothing in the Rules, 2014 to authorize any other society to raise objection in that regard. In the wake of controversy raised by the petitioner – Society to challenge the name of representative of respondent No.3 – Society, the issue of locus of the petitioner – Society is crucial and assumes importance. Although, an attempt is made to contend that the petitioner – Society being a voter is entitled to

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challenge the order passed by the election authority, there is no resolution of the society authorizing the petitioner to file the instant petition.

14. It has also to be noted that the petitioner – Society has failed to demonstrate any direct prejudice being caused by the impugned order leave apart violation of its rights. The issues raised by the petitioner – Society regarding the applicability of Rule 10(4) of Rules, 2014 could have required consideration, at the instance of a petition being filed by another representative of respondent No.3 – Society itself. However, this issue at the instance of the petitioner – Society cannot be entertained for want of locus with the petitioner and therefore, the instant petition challenging the order passed by the Election Authority at the instance of the petitioner – Society is not maintainable on this ground.

15. As regards the objection to maintainability of the petition on account of authority of the person who has signed and sworn the petition on behalf of the petitioner – Society, it has to be noted that there is no statement / averment in the petition that the petitioner – Society has resolved to challenge the Order dated 18.02.2026 passed

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by the Election Authority allowing change of name of the representative of respondent No.3 – Society. Even though, the respondents have categorically raised this objection in their reply, there is nothing on record to show authority of the society to file the instant petition. As such, this objection raised on behalf of respondents also find force and renders the challenge at the instance of the petitioner – Society, as unsustainable in law.

16. Another crucial issue about maintainability of the petition in the wake of alternate remedy also deserves due consideration. Undisputedly, the Election Program is declared and it is at the stage of withdrawal of nomination forms, the last date of which is 18.03.2026. The indulgence sought for by the petitioner – Society, by way of instant petition after the publication of final voters list is definitely in the midst of the election process, which has already commenced.

17. It is therefore, important to consider as to whether any indulgence by this Court is necessary to subserve and assist the further process of election. Reliance needs to be placed on the position of law laid down by the Division Bench of this Court in the matter of *Dattatray Genaba Lole (supra)* wherein, the Division Bench has

considered the controversy about indulgence of the Writ Court with the election process of elections of Co-operative Societies and after considering the position of law has clarified the position, of which relevant paras are reproduced below:-

“45. The legal principles that emerge from the various judgments noted and discussed in detail below is that as a matter of principle, courts have been reluctant to interfere at an intermediate stage of an election process. It has been held that every allegation of illegality or irregularity and every assertion of rights by persons being excluded from the voters list are not entertained by courts under Article 226 of the Constitution of India at the intermediate stage of the election process. There is a strong public policy reason behind courts being circumspect in entertaining challenges at this stage under Article 226 of the Constitution of India. This is because there is a vital public interest in the elections being completed after which various matters can be gone into. A liberal approach to interference at the intermediate stage would frequently result in election processes being halted or becoming uncertain, which by itself undermines the sanctity of such elections and the democratic object that they seek to achieve.

46. The only circumstance in which the courts would be inclined to interfere in a challenge to an election process at an intermediate stage would be when the order or action under challenge is patently and demonstrably illegal, such as, for example, by applying a non-existent rule or provision to the election process or failing to adhere to a mandatory provision. The intervention in such cases has been explained as enabling or assisting the process of the election rather than thwarting or stalling it. Also, one of the important aspects to consider is the precise stage of the election process and the delay, if any, in the filing of the petition.

47. In our opinion, the submission of the petitioners to the effect that they would be without an adequate remedy if this petition were not to be entertained at this stage is misconceived. There is a

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statutory remedy available to the aggrieved petitioners to challenge the election after the final results are declared and to raise a dispute within the statutory framework at that stage. The dispute that the petitioners would be entitled to raise would encompass a right to urge that the objection application was wrongly decided and that by being prevented from voting on the premise that Petitioner 3 is a "defaulter", the entire process and therefore the result itself, is vitiated."

18. Having considered the above mentioned legal position, it has to be seen that the challenge raised by the petitioner – Society to the Order passed by the Election Authority allowing the change of representative of respondent No.3 – Society, cannot in any way be considered as an assistance to subserve the further process of election. Undisputedly, the issue raised regarding the nomination of the representative of respondent No.3 – Society can be raised by way of Election dispute before the appropriate forum, if situation arises.

19. On giving anxious consideration to all the contentions canvassed on behalf of the petitioner – Society, I am of the firm opinion that the petitioner – Society has failed to make out any exceptional case warranting immediate intervention by this Court with the election process. The issues raised by the petitioner – Society about the entitlement of respondent No.3 – Society to change the name of its

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representative can be made subject matter of adjudication in appropriate proceedings.

20. Considering the settled position of law, about limited interference in election process by Writ Court, I am of the firm opinion that in the instant case, no interference is required by this Court at this stage.

21. In view of above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India and accordingly, the Writ Petition is **dismissed** with no order as to costs.

22. It is clarified that the instant petition is **dismissed** on the ground of maintainability of the petition and the issues raised on merits are kept open.

23. Rule stands **discharged**. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel