

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.8696 of 2026

=====

JAGUBHAI NARANBHAI PATEL

Versus

THE PUNA-KUMBHARIA GROUP CO-OPERATIVE FRUIT AND VEGETABLE
GROWERS SOCIETY LIMITED & ORS.

=====

Appearance :

MR SALIL M THAKORE for the Petitioner.

MR B. S. PATEL, SENIOR COUNSEL ASSISTED BY MR CHIRAG B PATEL for the
Respondent No.1.

MR DIPAN DESAI for the Respondent No.5.

=====

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 25/06/2026

ORDER

1. I have heard Mr. Salil M.Thakore, learned advocate appearing for the petitinoer, Mr. B. S. Patel, learned Senior Counsel assisted by Mr. Chirag B. Patel for the respondent No.1 and learned advocate Mr. Dipan Desai for the respondent No.5.

2. By way of this petition, the petitioner has prayed for the following reliefs :-

“A. That the Hon'ble Court be pleased to issue a writ, order or direction quashing and setting aside communication/decision dated 22.6.2026 issued by Respondent No.1 Society (and signed by Respondent No.4) under the purported instructions of the Election Officers (**Annexure A**);

B. That the Hon'ble Court be pleased to issue a

writ of or in the nature of mandamus or any other appropriate writ, order or direction commanding the Respondents to permit the petitioner to participate in the upcoming elections of Respondent No.1 Society;

C. That pending the hearing and final disposal of this petition, the Hon'ble Court be pleased to stay communication/decision dated 22.6.2026 issued by Respondent No.1 Society (and signed by Respondent No. 4) under the purported instructions of the Election Officers (**Annexure A**) and direct the Respondents to permit the petitioner to participate in the upcoming elections of the Respondent Society;

D. That in the event that the Hon'ble Court is not inclined to grant Prayer C, then the Hon'ble Court be pleased to stay the further proceedings of the upcoming elections of the Respondent Society;

E. For ad-interim relief in terms of prayers C and D;

F. For such other and further reliefs as the Hon'ble Court may deem just and proper in the facts and circumstances of the case;"

3. At the outset, the petition was opposed by learned Senior Counsel Mr. B. S. Patel assisted by Mr. Chirag B. Patel

appearing for respondent No.1 and learned advocate Mr. Dipan Desai appearing for the respondent No.5 on the ground of maintainability as the writ is sought against a private entity who cannot be considered to be a 'State' within the meaning of Article 12 of the Constitution of India.

4. Learned advocate Mr. Salil M. Thakore appearing for the petitioner explained his difficulty that ordinarily, he would have filed a Lavad Suit / appropriate application before the Board of Nominees at Surat, but in view of the fact that today the Board of Nominees at Surat is not available and the list of eligible candidates will be published by 5.00 pm today and that is the reason that he has preferred this petition looking to the urgency involved in the matter in question.

5. Learned counsel appearing for the respective parties state that such kind of difficulties can be removed by issuing suitable directions to the learned Board of Nominees.

6. After deliberation of all possibilities, all counsel appearing for the respective parties have arrived at a consensus in respect of hearing of the matter and hence, upon their consensus, following directions are issued :-

(I) The petitioner shall file Lavad Suit / appropriate application before the Board of Nominees at Surat. But considering the fact that if the same is not filed during the course of the day and considering the fact that 25.6.2026 to 28.6.2026 being public holidays, this petition itself be treated as Lavad Suit / appropriate application before the Board of Nominees at Surat with

a liberty to the petitioner to replace the same with an appropriate memo as per the format of Board of Nominees within a period of 7 days thereafter.

The petitioner is directed to supply a copy of this petition to learned counsel appearing for the respective respondents i.e. learned advocates Mr. Chirag B. Patel and Dipan Desai during the course of the day so as to enable them to provide copies of the petition to their counterparts who will be appearing at the Board of Nominees and it is understood between the parties that the counterparts or the advocates appearing for respondent No.1 and 5 before the Board of Nominees shall not object hearing of the matter on the ground that copies were not supplied to them in person.

(II) As far as respondent Nos.2 to 4 are concerned, they are not before this Court. But in that case, the petitioner is directed to supply a copy of this petition to respondent Nos.2 to 4 through e-mail as well as by way of direct service so as to enable them to appear before the learned Board of Nominees at Surat on 29.6.2026.

(III) The Board of Nominees at Surat is directed not to enter into technicalities about nomenclature of the application and dispense with all other formalities, looking to the time constraint which is being faced by the petitioner and to hear and decide the Lavad Suit and/or application for interim relief which may be moved by the petitioner on 29.6.2026 itself and if the parties are agreeable, it will be open for the Board of Nominees at Surat even to hear and decide the main Lavad Suit with the consent of all the

parties.

(IV) The respondent Nos.1 and 5 who will be served with the copy of the petition during the course of the day are directed to file reply, if any, latest by evening of 27.6.2026 and serve a copy thereof to the petitioner either through e-mail or by way of direct service and it is understood between all the counsel appearing for the respective parties i.e. petitioner, respondent No.1 and respondent No.5 that on 29.6.2026, in any case, no adjournment will be sought by any of the respondents for hearing of the Lavad Suit / application for interim relief that will be moved by the present petitioner and if the parties are agreeable, then Board of Nominees at Surat may decide the main Lavad Suit finally.

(V) It is agreed by all counsel appearing for the respective parties who are present before this Court that Board of Nominees at Surat is not available today and in the event that if Board of Nominees at Surat will not be available on 29.6.2026 - Monday, in that case, looking to the urgency of the petitioner, Registrar of Board of Nominees at Surat is directed to ensure that the original file of the matter preferred by the present petitioner along with the reply of the respondents, if any, which is available in the office of Board of Nominees, Surat be sent through personal messenger to the office of learned Board of Nominees at Bharuch / Vadodara, at the cost of the petitioner.

In that eventuality, the Board of Nominees at Bharuch / Vadodara is hereby directed to take up the matter for hearing at 2.30 p.m. and to conclude the hearing and decide the same at the end of the day. The aforesaid arrangement is made with the

express consent of all the parties and the present arrangement is applicable only for the first hearing that is to take place on 29.6.2026 and all other proceedings related to the said application be taken up before the Board of Nominees at Surat only.

(VI) It is further clarified that in case, if the list of the eligible candidates is published by today evening at 5.00 p.m., any of the respondents shall not object the Lavad Suit / appropriate application that may be filed by the petitioner on the ground that the list of eligible candidates is published now and that has been expressly understood by learned advocates Mr. Chirag Patel and Mr. Dipan Desai. However, all other rights and contentions of all the parties are kept open. In the event of any list if published today, the same shall be subject to any further order/orders that may be passed by the learned Board of Nominees.

7. With the above observation and direction, the present petition stands disposed of without expressing any opinion on the merits of the matter.

Direct service is permitted today.

(NIRZAR S. DESAI,J)

SAVARIYA