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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1607 OF 2015

Rangrao Shankarrao Deshmukh and others. ..Petitioners

-Versus-

The Manager, Ratnadeep Nagari Sahakari
Pat Sanstha Ltd. and others. ..Respondents

.....
Mr.C.R.Deshpande, Advocate for the Petitioners.
Mr.V.G.Shelke, AGP, for the Respondent Nos.2 and 3.
.....

CORAM: RAVINDRA V. GHUGE, J.
DATE :- 20th February, 2015

Per Court:

1 The Petitioners are aggrieved by the non inclusion of their names in the final voters list as regards the election to the Respondent No.1/ Cooperative Society.

2 The Petitioners submit that the Respondent No.1 Society is a "C" type society under the Maharashtra Cooperative Societies Act, 1960. The election programme has been declared. Filing of nominations is over. Withdrawal of nominations is scheduled between 11.02.2015 upto 25.02.2015.

3 The provisional voters list was published on 31.12.2014. On

09.01.2015, the Petitioners raised an objection as regards their non inclusion in the voters list. Same has been rejected by the Returning Officer by the order dated 19.01.2015, which is impugned in this petition.

4 It is not in dispute that the election programme for the society has been declared and the same is in motion. The learned Division Bench of this Court (Coram : R.M.Borde and Sunil P. Deshmukh, JJ.) has passed an order on **13.02.2015 in Writ Petition No.1753/2015** in the matter of *Maroti Ganpatrao Shinde vs. State of Maharashtra and others*, as under:-

*“Since process of election has commenced and today is the date for declaring final list of contesting candidates, in view judgment of the Supreme Court in the matter of “Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another V. State of Maharashtra and Others” reported in **(2001) 8 SCC 509**, no interference is called for in the present writ petition. In view of this, writ petition stands disposed of keeping open option for the petitioner to raise challenge to the election in accordance with provisions of Maharashtra Co-operative Societies Act.”*

5 In the light of the above, I am not entertaining this Writ Petition. However, the Petitioners will be at liberty to avail of a remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960 r/w Rule 78 of the Rules of 2014.

6 Since I have not dealt with the merits as well as the challenge posed by the Petitioners in this Writ Petition, all contentions of the Petitioners inclusive of a challenge to the subsequent election results, are kept open for raising the same in an appropriate proceedings under Section 91 of the Maharashtra Cooperative Societies Act, 1960 r/w Rule 78 of the Rules of 2014.

7 The Writ Petition is, accordingly, disposed of. No order as to costs.

(RAVINDRA V. GHUGE, J.)