

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.1367 of 2015

906 WRIT PETITION NO. 1367 OF 2015

SUBHASH GOPALRAO PATIL
VERSUS
DISTRICT COOPERATIVE ELECTION OFFICER DISTRICT DEPUTY
REGISTRAR, JALGAON AND OTHERS

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Advocate for Petitioner : Deshmukh Vijay Vasantrao
GP for Respondent nos. 1 to 3: Mr. S.S.Tope
Advocate for respondent no.4: Mr. A.N.Nagargoje

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CORAM : R. M. BORDE & SUNIL P.DESHMUKH, JJ.
Dated: February 04, 2015
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PER COURT :-

1. The petitioner is taking exception to the order passed by the District Cooperative Election Officer / District Deputy Registrar, Cooperative Societies, Jalgaon, on 16.1.2015, rejecting the petition tendered by the petitioner, raising objection to the electoral roll prepared for the purposes of holding elections to respondent no.4 society.

2. According to the petitioner, the District Election Officer has failed to remove nominal members from the final list of voters which action is violative of Section 27(8) of the Maharashtra Cooperative Societies Act, 1960. It is contended that nominal members do not have entitlement to cast votes at the election nor they can claim membership of the managing committee or contest the elections for the office of Chairman or any other elected post.

AGP/-

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3. Learned Government Pleader, on instructions from District Election Officer has informed that there are 856 members enrolled as on 30.10.2012; out of them, 368 are borrower members, and 316 are non borrower members. It is further informed that 172 members are defaulter members. Since there are no nominal members on the roll of the society, according to District Election Officer, the objection raised by the petitioner is devoid of merit.

4. Counsel appearing for respondent no.4 society contends that there are 297 nominal members on the roll who do not have entitlement to cast votes at the election.

5. Since the petition raises disputed questions and since the process of election has reached advanced stage i.e. the stage of presentation of nomination papers is in progress, in view of the judgment of the Supreme Court in the matter of **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Anr. v. State of Maharashtra and Ors., (2001) 8 SCC 509**, no interference is called for.

6. Keeping option open for petitioners to avail of the remedies as available in law, after completion of process of election, the writ petition stands disposed of.

(SUNIL P.DESHMUKH, J.)

(R. M. BORDE, J.)

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