

WRIT PETITION NO.1510 OF 2015

Versus

The State of Maharashtra and others Respondents

Mr.N.B.Narwade advocate for the petitioners
Mr.S.S.Tope, GP for Respondent State

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 9th February, 2015.

PER COURT :-

1 The petitioner raised an objection, as regards incorporating the names of about 100 members, in the provisional list of voters, published by the returning officer on 9.1.2015. The petitioner contends that, about 100 voters who are inducted as members of the Society by adopting a resolution in the year 2011 do not possess land and as they do not fulfill eligibility criteria prescribed under by laws, they are not entitled to be enrolled as members of primary society.

2 It is not a matter of dispute that, about 100 persons are
inducted as members in the year 2011 and the petitioner has
raised objection to the returning officer in respect of their

enrollment as members, on the ground of non-observance of by laws of the society. There is neither challenge raised to the membership of such members before the competent authority, nor to the resolution passed by the society accepting application for membership has been challenged, before competent forum.

3 It would be beyond the purview of the authority of the returning officer to scrutinize the legality or otherwise of the resolution/decision of society granting membership.

4 The petitioner contends that, he has not been granted opportunity of hearing by the returning officer, before taking any decision in respect of his objection. Even on consideration of the merits of objection raised by the petitioner before the returning officer, we are of the considered view that, the objection is not of such a nature, which can be considered by the returning officer. It would not be prudent to cause any interference in on-going process of election.

5 Writ petition is devoid of substance and hence stands rejected.

(P.R. BORA, J)

(R.M.BORDE, J)