

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3862 OF 2015

Dnyanopasak Shikshan Mandal Karmachari
Sahakari Path Sanstha Sangh Ltd
Parbhani and others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.K.G.Salunke & B.R.Sable advocates for the petitioner
Mr.S.G. Karlekar, AGP for Respondent State
Mr. S.B. Ghatol Patil advocate for respondent/intervener.

CORAM : R.M. BORDE &
V.K. JADHAV, JJ
Dated : 15th April, 2015.

PER COURT :-

1 The petitioner is praying for issuance of directions to the respondents, to include the name of the petitioners societies, in the final list of voters, prepared for the purpose of elections to the respondent No.4 bank.

2 There are five societies impleaded as petitioners in the petition. It is contended that, the names of the petitioners societies appeared in the provisional list of voters. However, their names do not find place in the final list.

3 The orders directing deletion of their names have not been

annexed to the petition.

4 An application has been presented on behalf of one Balaji Ramji Desai requesting for vacation of interim relief granted in favour of respondent No.5 society Jai Hanuman Sahakari Dhanya Adhikosh Seva Sahakari Sanstha Maryadit. The applicant has annexed the copy of the order issued by the District Cooperative Election Officer and the Divisional Joint Registrar - Cooperative Societies, Aurangabad, directing deletion of name of the concerned petitioners. It is recorded in the order that, name of representative Viz. Madhav Sahebrao does not find place in the list of members of the society and as such, the name of the representative Madhav Sahebrao came to be deleted from the final list of voters.

5 It is most unfortunate that the learned counsel for the petitioner, while circulating the matter for admission on 7.4.2015 suppressed the material fact from the Court. The petition was circulated along with a group of petitions, wherein, names of the societies were directed to be deleted by the District Election Officer, in view of the order passed by division bench of this Court in Writ Petition No.1947/2015. The group of petitions relate to a totally different subject matter. The learned counsel for the petitioner ought not to have included the instant petition in the

said group. This Court was misled by the petitioner, while securing circulation of the matter, as well as the interim order. On the ground of suppression of material facts and for the reason that the petitioners have misled this Court while securing interim orders, the writ petition does not deserve to be entertained. Apart from this fact, considering the merits of the contentions, the petition does not deserve to be entertained in exercise of extraordinary jurisdiction under article 226 of the Constitution of India. Writ Petition is devoid of substance and hence stands dismissed.

6 The interim relief granted by this Court stands vacated. Consequences of dismissal of the petition as well as vacation of interim relief shall follow.

7 Civil Application No.4431/2015 seeking intervention by the applicant is allowed and the applicant is permitted to intervene in the writ petition

8 In view of the order passed in the writ petition, no separate order need be passed in CA No.4430/2015.

(V.K. JADHAV, J)

(R.M.BORDE, J)