

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5586 OF 2015**

1. Vividh Karyakari Seva Sahakari
Society Ltd. Sukali, Tq. Dharur,
Dist. Beed, Through its Chairman
Shri Vishwanath Tatyarao Zodge,
Age: 50 years, Occu.: Agril.,
R/o Sukali, Tq. Dharur,
Dist. Beed.

2. Siddheshwar Panditrao Zodge,
Age: 32 years, Occu: Agril.,
R/o Sukali, Tq. Dharur,
Dist. Beed.

...PETITIONERS

versus

1. The Sate of Maharashtra,
Through Secretary,
Co-operative Department,
Mantralaya, Mumbai -32.
2. The District Co-operative Election Officer,
& The District Deputy Registrar,
Co-operative Societies, Beed.
Tq. & Dist. Beed.
3. The Assistant Registrar,
Co-operative Societies, Dharur,
Dist. Beed.
4. The Election Officer,
Vividh Karyakari Seva Sahakari Society,
Ltd. Khamgaon, Tq. Dharur, Dist. Beed.

5. Vividh Karyakari Seva Sahakari Society,
Ltd. Khamgaon, Tq. Dharur, Dist. Beed.
through its Secretary.

...RESPONDENTS

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Mr. D.J. Choudhari, Advocate for Petitioners
Mr. S.G. Sangle, A.G.P. for respondents No. 1 to 4.
Mr. V.V. Deshmukh, Advocate for respondent No. 5

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 26th JUNE, 2015

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for the parties finally with consent.

2. After hearing learned counsel for respective parties, factual situation emerges that petitioner No. 1 - society is registered as an independent society on 14-02-2013, and as such, its members should be deemed to have been excluded/deleted from membership of respondent No.5 -society. It appears that respondent No. 5-society till formation of respondent No. 1 - society consisted of three villages including village Sukali for which petitioner No. 1 - society has been formed. On formation and registration of petitioner No. 1-society, elections to its managing committee are in the offing.

3. However, it appears in the interregnum election programme is declared for respondent No. 5 - society showing 84 members of petitioner No.1- society as its voters. Under the circumstances, this petition has been moved to exclude and delete said 84 members of petitioner No. 1 - society.

4. Learned counsel appearing for parties have no dispute over the facts, albeit, learned Assistant Government Pleader points out that requisite communications and information is yet to be submitted to the concerned authority by the petitioners. In the circumstances, names of 84 members of petitioner No. 1 - society are still appearing in voters' list of respondent No. 5-society.

5. Looking at aforesaid, since there is no dispute over the facts and without hampering election programme of respondent No. 5-society, petition can be granted in terms of prayer clause "C".

6. So far as prayer clause "B" is concerned, the petitioners are at liberty make proper request, in case occasion arises, save and except interference with election programme of respondent No. 5 - Society.

7. In view of aforesaid, petition stands allowed in terms of prayer clause "C". This shall not be deemed hinder/intercept election programme of respondent No. 5 - society. Rule is made absolute accordingly.

8. Parties to act upon authenticated copy of this order. Learned Assistant Government Pleader to communicate this order to the authorities concerned.

Sd/-

(SUNIL P. DESHMUKH, J.)