

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6002 OF 2015

Digambar s/o Govindrao Tippiarse,
age: 42 years, Occ: Agril.,
R/o Barad, Tq. Mudkhed,
District Nanded.

Petitioner

Versus

- 1 The State of Maharashtra,
through its Secretary,
Co-operative Department,
Mantralaya, Mumbai-32.
- 2 District Deputy Registrar,
Co-operative Societies,
Nanded.
- 3 Assistant Registrar,
Co-operative Societies,
Mudkhed, Tq. Mudkhed,
District Nanded.
- 4 Returning Officer
(Cooperative Officer),
for election of
Barad Vividh Karyakari
Sahakari Sanstha, Barad,
Tq. Mudkhed, Dist.Nanded,
Office of Assistant Registrar,
Co-operative Societies,
Near Dena Bank, Mondha,
Mudkhed, Tq. Mudkhed,
District Nanded.
- 5 Vividh Karyakari Sahakari
Sanstha, Maryadit, Barad,
Tq.Mudkhed, Dist. Nanded,
through its Secretary.
- 6 State Cooperative Election

Authority,
Maharashtra State, Pune,
Old Central Building,
Ground Floor, Pune-01,
through its
Election Commissioner.

Respondents

Mr.A.N.Nagargoje, advocate for the petitioner
Mr.D.R.Kale, Government Pleader for Respondents No.1 to 4.
Mr.A.S.Kulkarni, advocate for Respondent No.5.
Mr.S.K.Kadam, advocate for Respondent No.6.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 25th June, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is objecting to the voters' list prepared by the Returning Officer for the purposes of holding elections to Vividh Karyakari Society, Barad, Tq.Mudkhed, District Nanded.

3 According to the petitioner, there are about 617 members on the roll of the Society, however, final voters' list, published by the Returning Officer, comprises of only 62 members.

4 It is contended by the Returning Officer that the Society has forwarded list of only 62 persons and as such same is finalised.

5 The stand taken by the Returning Officer has been

controverted by the Society by presenting affidavit of Secretary of the Society. It is stated by the Secretary that the final voters list of 617 members, including founder members, was published on 01.01.2008 for the elections of 2008 and accordingly elections of 2008 were held on the basis of said voters list. So far as instant election programme is concerned, it is pointed out that out of 617 members, 109 members died and at present there are 508 members. It is further pointed out that out of 232 founder members, near about 170 members died and there remains 62 founder members on the roll of the society. Although the list was forwarded to the Returning Officer comprising of names of 508 members, names of only 62 founder members are enlisted in the voters list.

6 In view of the contradictory stand taken by the Society and the Returning Officer, we deem it appropriate to relegate the petitioner to the Assistant Registrar, Cooperative Societies, Mudkhed, District Nanded, who shall hold proper inquiry in the matter and finalise the issue in respect of voters list. The petitioner, the Society and Returning Officer shall appear before the Assistant Registrar, Cooperative Societies, Mudkhed, District Nanded, on 29th June, 2015 along with necessary record. The Assistant Registrar, Cooperative Societies, Mudkhed, District Nanded, after extending an opportunity of hearing to all the parties concerned shall decide the issue in respect of voters list. The voters list finalised and approved by the Assistant Registrar, Cooperative Societies, Mudkhed, shall be the valid voters list for the purposes of ongoing elections to the Society. It is directed specifically that the ongoing election programme shall not be

disturbed. The Assistant Registrar, Cooperative Societies, Mudkhed, District Nanded, shall take appropriate steps before 02nd July, 2015.

7 With the directions as above, writ petition stands disposed of.

P.R.BORA
JUDGE

adb/wp600215

R.M.BORDE
JUDGE