

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6624 OF 2015

Pawan Namdev Chamle
and another

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.S.V.Mundhe, advocate for petitioners.

Mr.S.G.Nandedkar, A.G.P. for Respondents No.1 & 2.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 02nd July, 2015

PER COURT:

1 The petitioners are objecting to deletion of names of 182 persons from the final list of voters by the society.

2 There are about 813 persons shown to be members of the Society as per the audit report of 2011-2012 and share capital of the society is to the tune of Rs.7,91,574/-. As per the audit report of 2012-2013 also, membership of the society as well as share capital remained unchanged.

3 The petitioners contend that in fact they have been granted membership and they do possess receipts of payment of fees to the society. It is observed in the report tendered by the concerned Inquiry Officer on 18.06.2015 that there is no record of receipt of membership applications from 182 persons nor proceedings in respect of approval of membership were shown. It

is also reported that the cash register of the society records that on 20.12.2013, an amount of Rs.18,200/- is deposited towards share amount and admission fees of Rs.18,200/-. However, at the same time, it is shown that advance amount of Rs.20,000/- is refunded to one Ramesh Joshi and Rs.16,400/- to Dnyanoba Sambhaji.

4 It is, thus, clear that the concerned persons must have collected cash and in order to demonstrate enrollment of 182 members, entries are taken in the cash register. It does appear *prima facie* that the record maintained by the Cooperative Society is created to suit the claim and that Secretary of the Society, Mr.Ramesh Joshi and one Dnyanoba Sambhaji are instrumental in creation of such record.

5 *Prima facie*, in view of the disputed questions of facts raised in the matter, no interference is called for in exercise of extraordinary jurisdiction under Article 226 of the Constitution. Petition is devoid of substance.

6 Writ Petition stands dismissed.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE