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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10101 OF 2015

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| 1. | Ashok Ambadas Mangude
Age – 45 years, Occ – Agriculture | PETITIONERS |
| 2. | Rushikesh Nivrutti More
Age – 49 years, Occ – Agriculture | |
| 3. | Shamrao Dnyandeo More,
Age – 30 years, Occ – Agriculture | |
| 4. | Vijay Navnath More,
Age – 38 years, Occ – Agriculture | |
| 5. | Ramrao Dnyandeo More,
Age – 35 years, Occ – Agriculture | |
| 6. | Dnandeo Ninrutti More,
Age – 58 years, Occ – Agriculture | |
| 7. | Bhimabai Nivrutti More,
Age – 72 years, Occ – Agriculture | |
| 8. | Swati Haridas More,
Age – 22 years, Occ – Agriculture | |
| 9. | Nirmala Rushikesh More,
Age – 47 years, Occ – Agriculture | |
| 10. | Vaishali Babasaheb More,
Age – 40 years, Occ – Agriculture | |
| 11. | Shantabai Karbhari More,
Age – 70 years, Occ – Agriculture | |
| 12. | Bhausahab Ramkrushan Mangude,
Age – 45 years, Occ – Agriculture | |
| 13. | Bebi Bhausahab Mangude,
Age – 52 years, Occ – Agriculture | |

14. Mahesh Bhausahab Mangude,
Age – 36 years, Occ – Agriculture
15. Kavita Mahesh Mangude
Age – 32 years, Occ – Agriculture
16. Mangal Bhimraj Mangude,
Age – 40 years, Occ – Agriculture
17. Mahendra Bhimraj Mangude,
Age – 22 years, Occ – Agriculture
18. Sunita Ashok Mangude,
Age – 35 years, Occ – Agriculture
19. Surekha Balasaheb Mangude,
Age – 49 years, Occ – Agriculture
20. Rajendra Ambadas Mangude,
Age – 47 years, Occ – Agriculture
21. Karbhari Jayram Mangude,
Age – 61 years, Occ – Agriculture
22. Amol Rajendra Mangude,
Age – 25 years, Occ – Agriculture
23. Akshay Ashok Mangude,
Age – 20 years, Occ – Agriculture
24. Ujjwala Ashok Mangude,
Age – 40 years, Occ – Agriculture
25. Sangita Sambhaji More,
Age – 38 years, Occ – Agriculture
26. Sambhaji Bhandas More,
Age – 42 years, Occ – Agriculture
27. Nivrutti Sagaji Malvade,
Age – 65 years, Occ – Agriculture
28. Vishwanath Maghaji Mangude,
Age – 70 years, Occ – Agriculture

29. Nanasaheb Rangnath Gadakh,
Age – 62 years, Occ – Agriculture
30. Keshar Sopan Malvade,
Age – 52 years, Occ – Agriculture
31. Savita Karbhari Malvade,
Age – 39 years, Occ – Agriculture
32. Kushinath Dagdu Gadakh,
Age – 51 years, Occ – Agriculture
33. Alka Ambadas Gadakh,
Age – 50 years, Occ – Agriculture
34. Subhadra Nanasaheb Gadakh,
Age – 52 years, Occ – Agriculture
35. Navnath Bapurao More,
Age – 66 years, Occ – Agriculture
36. Shindubai Anjankumar More,
Age – 45 years, Occ – Agriculture
37. Suman Navnath More,
Age – 55 years, Occ – Agriculture
38. Jamuna Adhinath More,
Age – 49 years, Occ – Agriculture
39. Sudam Adinath More,
Age – 24 years, Occ – Agriculture
40. Shrikant Adhinath More,
Age – 22 years, Occ – Agriculture
41. Chhaya Adhinath Paghire,
Age – 48 years, Occ – Agriculture
42. Vinayak Navnath More,
Age – 35 years, Occ – Agriculture
43. Rajendra Gajaram Yeole,

Age – 45 years, Occ – Agriculture

44. Rajendra Ambadas More,
Age – 44 years, Occ – Agriculture
45. Surekha Ashok More,
Age – 50 years, Occ – Agriculture
46. Somnath Ashok More,
Age – 21 years, Occ – Agriculture
47. Ashok Ambadas More,
Age – 55 years, Occ – Agriculture
48. Nilesh Balasaheb Todmal,
Age – 24 years, Occ – Agriculture
49. Ranjana Balasaheb Todmal,
Age – 45 years, Occ – Agriculture
50. Jaydip Babasaheb More,
Age – 22 years, Occ – Agriculture
51. Nanda Babasaheb More,
Age – 50 years, Occ – Agriculture
52. Ganesh Ajankumar More,
Age – 25 years, Occ – Agriculture
53. Vimal Ashok More,
Age – 45 years, Occ – Agriculture
54. Ashok Bhanudas More,
Age – 50 years, Occ – Agriculture
55. Kashinath Keshav Malvade,
Age – 70 years, Occ – Agriculture
56. Hausabai Kashinath Malvade,
Age – 65 years, Occ – Agriculture
57. Hirabai Gangaram More,
Age – 58 years, Occ – Agriculture

58. Kusum Haribhau More,
Age – 45 years, Occ – Agriculture
59. Gangaram Maruti More,
Age – 60 years, Occ – Agriculture
60. Sushila Bapurao Jaware,
Age – 45 years, Occ – Agriculture
61. Sakharam Maruti Jaware,
Age – 49 years, Occ – Agriculture
62. Vijay Sakharam Jaware,
Age – 45 years, Occ – Agriculture
63. Balasaheb Ramchandra Todmal,
Age – 50 years, Occ – Agriculture
64. Subhadra Vitthal Gadakh,
Age – 55 years, Occ – Agriculture
65. Changdeo Bhanudas Gadakh,
Age – 46 years, Occ – Agriculture
66. Santaram Eknath Gandhale,
Age – 46 years, Occ – Agriculture
67. Babasaheb Rangnath Darekar,
Age – 47 years, Occ – Agriculture
68. Rangnath Ramji Darekar,
Age – 70 years, Occ – Agriculture
69. Nitin Prakashlal Bafna
Age – 41 years, Occ – Agriculture
70. Sandip Sureshlal Bafna,
Age – 45 years, Occ – Agriculture
71. Asha Tukaram More,
Age – 42 years, Occ – Agriculture
72. Ramesh Krushnanath Jagdale,
Age – 58 years, Occ – Agriculture

73. Sulochana Ramesh Jagdale,
Age – 39 years, Occ – Agriculture
 74. Sopan Shivram Malvade,
Age – 55 years, Occ – Agriculture
 75. Mahesh Ramesh Jagdale,
Age – 30 years, Occ – Agriculture
 76. Ramdas Balaji Wandekar,
Age – 68 years, Occ – Agriculture
 77. Shobha Kailas More,
Age – 32 years, Occ – Agriculture
- All R/o Morewadi, (Vambori)
Taluka Rahuri, District – Ahmednagar

VERSUS

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| <ol style="list-style-type: none"> 1. The State of Maharashtra
Co-operation Department,
Through its Secretary,
Mantralaya, Mumbai-32 2. The District Deputy Registrar,
Co-operative Societies,
Ahmednagar 3. The Assistant Registrar
Co-operative Society, Rahuri,
Taluka – Rahuri, District – Ahmednagar 4. The Returning Officer,
Morewadi Vivid Karyakari Seva
Sahakari Society Ltd.,
Morewadi, Taluka – Rahuri
District – Ahmednagar 5. The Secretary,
Morewadi (Vambori) Vivid Karyakari, | <p>RESPONDENTS</p> |
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Seva Sahakari Society Ltd.,
Morewadi, Taluka – Rahuri,
District – Ahmednagar

6. The Administrator,
Morewadi (Vambori) Vivid Karyakari
Seva Sahakari Society Ltd.,
Morewadi, Taluka – Rahuri
District – Ahmednagar

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Mr. R. R. Karpe h/f Mr. S.S.Gangakhedkar, Adv. for petitioners
Mr. S. K. Tambe, AGP for respondent State
Mr. A. I. Deshmukh, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 9th OCTOBER, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the appearing parties, at the stage of admission.

2. After hearing learned advocates for the parties, it appears that the petition has been moved in very peculiar circumstances, in the sense that the names of the petitioners, according to learned advocate for the petitioners, form very much part and parcel of final voters' list, as had been declared pursuant to present election programme dated 14th September, 2015, however, this was not realized by the election officer while it

came to consider nominations of the persons, who were seeking to contest the elections and as such, said nominations came to be rejected for the reason that the names of the petitioners, who have proposed / seconded their nominations, do not figure in the final voters' list.

3. There is no dispute among learned advocates for the parties that pursuant to the election programme declared earlier on 19th January, 2015 (Annexure "A", page 25 to the petition), preparation of list of voters was sought, wherein, under an order in February, 2015, the District Co-operative Election Officer and the District Deputy Registrar, Co-operative Societies, Ahmednagar had directed inclusion of names of ninety eight persons as valid voters, including the petitioners. However, subsequently, re-election was directed and a new programme had been published for preparation of voters' list on 19th August, 2015 (Annexure "E", page 35 to the petition), whereunder, final voters' list was published on 14th September, 2015. None of the parties dispute that the ninety eight persons added to voters' list pursuant to order in February, 2015 by the District Deputy Registrar, form part and parcel of final voters' list, declared on 14th September, 2015, albeit, it was declared in two sections, viz., one of earlier subsisting 256 members in the provisional

voters' list and the other of ninety eight voters' added pursuant to order in February, 2015, and had been kept in two groups. This was how the final voters' list was submitted by respondent No.5, Secretary of the society and this had not been realized by the authority while order came to be passed on 29th September, 2015, rejecting nominations of the persons who were from those 256 persons earlier appearing in the provisional voters' list and their nominations had been proposed / seconded by the persons whose names figure in the list of ninety eight persons pursuant to order in February, 2015. Since it was not realized by the authorities that the final voters' list came in two groups, one of 256 and other of 98, the order came to be passed on 29th September, 2015.

4. It is in these circumstances, the petitioners have realized that 98 persons included pursuant to order in February, 2015 of the District Deputy Registrar would not be considered to be part of the final voters' list in present election and as such, they may be deprived of their franchise and hence they are before this court.

5. Learned AGP view the matter slightly differently although he does not dispute that there was an order in February, 2015 of

the District Deputy Registrar directing inclusion of 98 persons, including the petitioners, in the final voters' list, yet he purports to contend that no objection had been taken while the voters' list was being finalized pursuant to communication dated 19th August, 2015 appearing at page 75 as Annexure R-1, to the affidavit in reply and this situation could have been easily salvaged had the position being pointed out by the secretary while he had submitted the final voters' list.

6. In view of aforesaid, there does not appear to be any dispute about that the 98 persons included in the voters' list pursuant to the order in February, 2015 of the District Deputy Registrar, would be valid voters. In fact the petitioners shall be deemed to be part of the final voters' list as declared on 14th September, 2015, pursuant to communication dated 19th August, 2015. As such, I think that it would be expedient to consider inclusion of names of the present petitioners in the final voters' list for the elections to the managing committee of respondent No.5 society.

7. Having regard to aforesaid, the order dated 5th October, 2015 cannot be sustained. In the circumstances, following order.

OPERATIVE ORDER

- a. Order dated 5th October, 2015 passed by respondent No.2 stands quashed and set aside.
- b. District Deputy Registrar, Ahmednagar to include names of the petitioners in the final voters' list and treat them to be voters in the present elections of managing committee of respondent No.5 society.
- c. Writ petition allowed in aforesaid terms. Rule is made absolute accordingly.

[SUNIL P. DESHMUKH, J.]