

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10671 OF 2012

Sau. Sonal Sanjay Pawar

..PETITIONER

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mr V.D. Hon, Senior Advocate for petitioner;
Mr D.R. Korde, A.G.P. for respondents no.1 to 3;
Mr A.D. Shinde, Advocate holding for Mr V.A. Pawar, Advocate for
respondent no.4;
Mr R.R. Karpe, Advocate for respondent no.5

CORAM : N.W. SAMBRE, J.

DATE : 19th March, 2015

ORAL ORDER :

By the present petition, the petitioner seeks to challenge the order contained in the communication dated 29th October, 2012, issued by respondent no.2 – Collector to respondent no.3 – District Deputy Registrar, Co-operative Societies, Jalgaon, whereby, in compliance with the order dated 20th March, 2012, passed by this Court in Writ Petition No.6439 of 2008, he has directed inclusion of Shivkrupa Shetkari Vikas Sahakari Sanstha Maryadit, Paldhi, Taluka Dharangaon, in the voters list of primary agricultural society, for the next election of Jalgaon District Central Co-operative Bank Ltd., Jalgaon.

2. Mr Hon, learned Senior Counsel appearing on behalf of the petitioner, while assailing the impugned communication, would urge that since the Collector lacks authority to issue such communication and particularly in the light of the provisions of the Maharashtra Co-operative Societies Act, said communication is without jurisdiction. He would further urge that since the communication is issued by the Collector, who is placed on higher side in hierarchy to that of the District Deputy Registrar, the District Deputy Registrar will get influenced by the contents of the said communication, which according to him, is adverse to the interest of the petitioner. He submits that while deciding the objection raised to the voters list, the Officer concerned who shall be deciding the objection, is likely to be influenced by the said communication.

3. Mr Karpe, learned Counsel appearing on behalf of respondent no.5 would urge that the impugned communication is as a consequence of the order passed by this Court in Writ Petition No.6439 of 2008. He would further urge that it is premature to say that the Officer deciding the objection will get influenced because of the impugned communication. According to him, the said issue can appropriately be decided by the Officer, deciding the objection in question, after hearing the objectors.

4. Learned Asstt. Govt. Pleader appearing on behalf of respondents no.1 to 3 has sought to support the order impugned and would urge that this Court, in extraordinary jurisdiction should refrain from interfering in the election process as according to him, the preparation of voters list is an integral part of the election process.

5. Having considered the rival contentions and having analyzed the respective submissions, it is required to be noted that preparation of voters list is an integral part of the election process, is not in dispute as is supported by the catena of judgments rendered by this Court and the Apex Court. It is also required to be noted that the issue that is sought to be canvassed before this Court, i.e. to say, the Officer getting influenced by the impugned communication dated 29th October, 2012, is also premature as there is no verdict based on the same by the Officer, adverse to the interest of the petitioner.

6. In that view of the matter, in my opinion, the present writ petition is not maintainable and thus stands rejected with no order as to costs.

7. It is expected of the Officer deciding the objection to take into account the respective submissions made by the parties and decide the same in accordance with law.

(N.W. SAMBRE, J.)

amj