

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 11413 OF 2015

Bhausahab s/o Tularam Sonawane
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. N.V. Gaware, advocate for petitioners.
Mr. A.R. Borulkar, AGP for the State.
Mr. S.K. Kadam, advocate for respondent no. 5.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 30th NOVEMBER, 2015.

PER COURT :

1. Petitioners are objecting to failure of the election authority to enroll their names in the final voters list. It is contended that names of 94 members have been deleted from final list of voters illegally. Petitioners contend that all the 94 members exercised their right during the preceding election and as such, it was not permissible for the election authority to direct deletion of their names. It is further contended that the action of failure to incorporate their names in the final list of voters amounts to issuance of order in respect of their cessation of membership and, such a drastic step leading to serious consequence has been taken without observing the procedure prescribed under the Maharashtra Co-operative Societies Act, 1960.

2. So far as contention of petitioners in respect of implied cessation of

their membership is concerned, it would be open for the petitioners to avail of remedies available in law. The objection raised by petitioners in respect of deletion of their names has been turned down on consideration of report tendered by the Assistant Registrar, Co-operative Societies. The society has explained to the Registrar that the names of petitioners and other members do not find place in the register 'T' maintained in 'J' form. There is no clarity as to when membership is conferred on those members. It is further pointed out that there is no proof in respect of deposit of share amount by such of those members. Thus, it has been clarified that inclusion of such 94 members is contrary to the provisions of the Maharashtra Co-operative Societies Act. During the course of hearing also it has not been pointed out by producing any evidence that petitioners and such other members have deposited share amount with the society or that their names appear in the 'T' register. We do not propose to probe in detail in respect of objections put forth by the society and as regards correctness of decision rendered by the election authority. It would be open for the petitioners to avail remedies available in law.

3. For the reasons recorded above and in view of the fact that the process of election has reached advanced stage and that the stage of receiving nomination paper has already been over, no interference is called for in the instant petition. Writ petition stands rejected.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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