

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

WRIT PETITION NO.12239 OF 2015

1. Shnehal w/o Sainath Thorat
Age 22 years, Occ. Household
2. Swati Prashant Khodade
Age 26 years, Occ. Household
3. Sharda w/o Deoram Jadhav,
Age 35 years, Occ. Household
4. Mangal Dadabhau Shinde,
Age 40 years, Occ. Household
5. Tarabai Baban Jadhav,
Age 64 years, Occ. Household
6. Ratnamala Arun Shinde
Age 45 years, Occ. Household
7. Suman Subhash Naik
Age 45 years, Occ. Household
8. Lankabai Raghunath Jadhav
Age 50 years, Occ. Household
9. Sanjana Yashwant Auti
Age 54 years Occ. SHousehold

Petitioner Nos.1 to 9 All R/o Panoli,
Tq. Parner, Dist. Ahmednagar.

10. Savita Ramdas Bhujbal
Age 45 years, Occ. Household,
R/o Belwandi, Tq. Shrigonda,
Dist. Ahmednagar.

... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Co-operation, Marketing and
Textile Department,

Mantralaya, Mumbai
(Copy to be served on
Govt. pleader, High Court of
Judicature of Bombay,
Bench at Aurangabad)

2. The State Co-operative Election Commission, Maharashtra State, Pune, through its Secretary
3. The District Deputy Registrar/
District Co-operative Election Officer, Ahmednagar.
4. The Assistant Registrar,
Co-operative Societies, Parner,
Tq. Parner, Dist. Ahmednagar.
5. Rajmata Jijau Mahila Gramin
Bigar Sheti Sahakari Patsanstha Ltd.,
Panoli, Tq. Parner, Dist. Ahmednagar.
through its Secretary/ Manager
6. Lata Sanjay Kshirsagar,
Age major, Occ. Household,
R/o Panoli, Tq. Parner,
Dist. Ahmednagar. ... RESPONDENTS

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Shri P.S. Dighe, Advocate for petitioners
Shri A.B. Girase, Govt. Pleader for State
Shri A.C. Darandale, Advocate for respondent No.5
Shri N.V. Gaware, Advocate for respondent No.6

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CORAM: R.M. BORDE AND
 A.I.S. CHEEMA, JJ.

DATED: 17th December, 2015.

ORAL ORDER :

1. The petitioners are objecting to deletion of their names from the final list of voters prepared for election to the

managing committee of respondent No.5 Society. The respondent No.5 Society is a non-agricultural credit co-operative society and it is accepted that the petitioners have borrowed amounts by way of availing cash credit facility. According to petitioners, the cash credit amount was required to be credited within a period of 36 months and no installments are prescribed for repayment. The names of the petitioners did appear in the provisional voters' list. However, on consideration of the objections raised by respondent No.6, their names have been deleted on the ground that they are defaulters of the respondent No.5 Society.

2. The petitioners contend that they cannot be branded as defaulters within the meaning of Section 73-CA(i) (d) read with Section 27 of the Maharashtra Co-operative Societies Act. The petitioners contend that, they have not been heard by the respondent No.3 before passing adverse order against them.

3. Without going into the merits of the contentions raised by the petitioners, since an adverse order has been passed by the respondent No.3, against the petitioners, without observing the principles of natural justice, we deem it appropriate to set aside the order and relegate the petitioners to the respondent No.3 to reconsider the issue after extending

opportunity of hearing to the petitioners.

4. The petitioners shall appear before the respondent No.3 on 21st December 2015 and the respondent No.3, after extending opportunity of hearing to the petitioners as well as the respondent No.6, proceed to decide the objections in accordance with the provisions of law, as expeditiously as possible, preferably within a period of seven days from the date of appearance of the petitioners before the respondent No.3

5. With the directions as above, Writ Petition is disposed of.

6. Parties to act on authenticated copy of this order.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

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