

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8461 OF 2015

Shri Harishchandra Khan Majur Sah.	]	
Sansatha Ltd., Ichalkaranji, Through	]	
representative Shri Jaywant Bajrang Kurane	]	
and Ors.	]	... Petitioners

Versus

District Co-operative Election Officer and	]	
District Deputy Registrar and Ors.	]	... Respondents

Mr. P. S. Dani, Senior Advocate, i/b Mr. Ruturaj Pawar for Petitioners.
 Mr. S. D. Rayarikar for Respondent Nos.1 and 2.
 Mr. Chetan Patil for Respondent No.3.
 Mr. A. Y. Sakhare, Senior Advocate, i/b J. Carlose for Respondent No.4.

CORAM :- M. S. SONAK, J.
DATE :- SEPTEMBER 07, 2015

P. C. :-

1. Rule.

2. With the consent of and at the request of learned Counsel for parties, Rule is made returnable forthwith.

3. The challenge in this petition is to the order dated 05/08/2015, by which the Petitioners' name have been deleted from

the voters' list insofar as elections to the managing committee of the Respondent No.3-Society (Federal Society) is concerned.

4. The learned Counsel for Respondents have very fairly conceded that no hearing was given to the Petitioners before the impugned order dated 05/08/2015 made by the Respondent No.1. Since the impugned order visits the Petitioners with certain consequences, there ought to have been some minimal compliance with principles of natural justice and fair play before an order of this nature was made. On this short ground, without adverting to any other contentions, the impugned order dated 05/08/2015 is set aside and the matter is remanded to Respondent No.1 for further consideration in accordance with law and after afford of reasonable opportunity to the parties.

5. Accordingly, the Petitioners as well as Respondent Nos.3 and 4 to appear before the Respondent No.1 on 10/09/2015 at 11.00 a.m., through Advocates, if they so desire. The Respondent No.1 to afford opportunity of hearing to the parties and thereafter expeditiously take a decision upon the objections raised by the Respondent No.4. Appropriate decision to be taken and communicated to the parties latest by 15/09/2015. This is because it is submitted that the polling is scheduled for 23/09/2015.

6. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

7. All concerned to act on basis of authenticated copy of this order.

8. Mr. Rayarikar, A.G.P. for Respondent Nos.1 and 2, undertakes to communicate this order to the Respondent No.1.

9. It is made clear that the impugned order is set aside only on the ground of violation of principles of natural justice and fair play. Accordingly, all other contentions of all parties are left open for decision by the Respondent No.1.

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.