

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12321 OF 2015

**Smt. Rajanatai Sureshrao Padole }
and Ors. } Petitioners
 versus
The State of Maharashtra and Ors.} Respondents**

**WITH
WRIT PETITION NO. 11049 OF 2015**

**Nashik Zilla Doodh Utpadak }
Sangh and Anr. } Petitioners
 versus
State of Maharashtra and Ors. } Respondents**

Mr. R. B. Raghuvanshi with Mr. Sarang
Aradhya for the Petitioners in WP/12321
of 2015.

Mr. P. K. Dhakephalkar – Senior Advocate
with Mr. Jagdish G. Reddy (Aradwad) for
the Petitioners in WP/11049/2015.

Mr. A. I. Patel – AGP for Respondent Nos.
1 and 2 in WP/12321/2015 and for
Respondent Nos. 1 and 3 in
WP/11049/2015.

Mr. Amit Borkar for Respondent No. 4 in
WP/12321/2015 and for Respondent No. 2
in WP/11049/2014.

Mr. Ranvir Shekhawat for Respondent
No. 3 in WP/12321/2015 and for
Respondent No. 4 in WP/11049/2015.

**CORAM :- S. C. DHARMADHIKARI &
 B. P. COLABAWALLA, JJ.**

DATED :- DECEMBER 22, 2015

P.C. :-

On 10th December, 2015 and on 15th December, 2015, we have passed two orders in these Petitions and taken care of the anxiety of the Petitioners that their term as Directors on the Board of the subject Co-operative Society may be brought to an end, but the elections that are to be held are nowhere in sight. Meaning thereby, the existing Managing Committee/Board will be superseded and the authorities will not be interested thereafter to hold elections to constitute a fresh Board of the Society. An attempt is also allegedly made according to the Petitioners to interfere with the working of an independent and impartial Election Authority.

2) After the detailed orders on the earlier occasions, Mr.Borkar appearing for Respondent No. 4 authority has produced on record several communications compiled in a compilation, which is taken on file. The same is marked as 'X' for identification and copies thereof are duly served on the Petitioners as well. This indicates that after our order passed on 15th December, 2015, on 17th December, 2015, Respondent No. 4 authority has addressed the issue raised in our order. The likelihood of some conflict between the interest and duty of the Joint Registrar, Co-operative Society (Milk) designated as

Election Officer is taken care of and by this communication, which is a revised order, the Election Officer has been changed. Respondent No. 4 authority has now appointed the Joint Director, Co-operative Societies (CIDCO), Maharashtra State, Mumbai as Election Officer.

3) On 18th December, 2015, there is a further order, which has been passed and which indicates in clearest terms that since the duration of the present Board comes to an end, elections would have to be held so as to constitute the Board of Directors of Respondent No. 3 Society for the next five years. The election programme has been notified and under the seal of the authority, namely, Respondent No. 4. Now, the preparatory work would commence from 19th December, 2015 and the entire programme demonstrates the stages and steps. The election programme indicates that all these steps would be completed on 28th March, 2016 and there would be no extension or enlargement of any period or time.

4) After having reminded the authority and equally the State of their duty in law, we are confident that the elections would be free, fair and impartial. We also expect the officer now appointed to act independently and determine all issues which may be brought before him during the course of his duty as an

Election Officer. He shall carry on his duty in accordance with law, uninfluenced by any intervention or directives from his superiors.

5) Now, what remains for our consideration are the steps initiated by the State, including under section 78 of the Maharashtra Co-operative Societies Act, 1960. We clarify that all such measures which have been initiated by the State shall continue without prejudice to the rights and contentions of all parties. Meaning thereby, our order and direction does not either halt the proceedings or interfere with the conclusion thereof in accordance with law. With this clarification, the Writ Petitions need not be kept pending and are disposed of.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)