

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1443 OF 2015

Mr.Popatrao Punjagi Danghe and others. ... Petitioners.
V/s.
Kadava Co-op. Sugar Factory Ltd. and others. ... Respondents.

A.S.Desai with R.S.Ghadge i/b. Amar D. Parsekar
for the petitioners.

Prashant Naik for respondent No.1.

PPKakade, A.G.P. for respondent Nos.2 to 4.

PN.Joshi for the intervener.

**CORAM : NARESH H. PATIL AND
A.S. GADKARI, JJ.**

DATED : 10th February 2015.

PC.

The petitioners' grievance is that non-producer members of the respondent- Karkhana would be participating in the voting to elect producer member. It is alleged that there are about 2,000 producer members and 13,000 non-producer members of the Karkhana. In view of the amendments brought to the Maharashtra Co-operative Societies Act, 1960 ("said Act" for short) and in view of amended bye-laws, specific constituency of producer members is carved out. The members contesting elections from the said constituency have to be producer members and likewise the members casting votes to be producer members.

2. Learned counsel appearing for the respondent- Karkhana submits that in accordance with the amended bye-laws the members, as approved by the concerned authority, of the Karkhana, shall participate in the election process. Learned counsel has referred to the provisions of the amended provisions of section 26 of the said Act.. It is further submitted that the proceedings under section 11 of the said Act will have to be initiated against such members. According to the election programme, final list of the voters is to be published on 11th February 2015. It is informed that elections are being held to constitute managing committee of the respondent- Karkhana. Reliance has been placed on the judgment of the Supreme Court in the case of *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra*, (2001) 8 SCC 509. We have perused the said judgment. We have also perused the order passed by the Reporting Officer dated 6th February 2015 which is impugned herein.

3. The election process is set in motion. The petitioners have efficacious statutory remedy which they may avail, if they so desire. The issue raised by the petitioners at this stage cannot be gone into in exercise of writ jurisdiction. Without expressing any opinion on merits of the contentions raised, petition is disposed of with liberty.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)