

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 980 OF 2015**

Shantabai Rambhau Nagare & Ors.

....Petitioners.

Vs.

The State of Maharashtra & Ors.

....Respondents.

WITH**CIVIL APPLICATION NO. 472 OF 2015****IN****WRIT PETITION NO. 980 OF 2015**

Shivaji Vitthal Ugalmugle & Ors.

....Applicants.

IN THE MATTER BETWEEN

Shantabai Rambhau Nagare & Ors.

....Petitioners.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Suresh M. Sabrad for the Petitioners.

Ms. M.S. Bane, "B" panel counsel for Respondent Nos. 1 and 2.

Mr. P.L. Bhujbal for Respondent No.3.

CORAM:- ANOOP V. MOHTA, J.**DATE :- 13 MARCH 2015.****PC:-**

The Petitioners, admittedly, submitted their objection on 27 January 2015 with a specific averments that their names should be added in the voters lists. The contention that the basic programme as contemplated under Section 73 (c) (b) of the Maharashtra Co-

operative Societies Act, 1960 (for short, “the MCS Act”) and Rules 6 to 10 of the Maharashtra Co-operative Societies Rules, 1961 (for short, “the MCS Rules”) for publication of provisional list, including deciding final list dated 3 January 2015 was not published by the Secretary/Society. Therefore, there was no notice to raise objection, is unacceptable, in this proceeding basically at this stage of the election, when the obligation is upon the concerned Officer-Respondent No.2.

2 Therefore, non communication and/or no knowledge of the last date of 12 January 2015 to raise objection, the Petitioners may have a good case on merits, just cannot be gone into in the proceedings. The liberty is granted to the Petitioners to initiate appropriate proceedings, in accordance with law, but, no case is made out to consider the submission to hold the election process further. The final list is already published. In this background, therefore, cannot be interfered with, in view of above admitted position of raising objection on last date of publishing of final list and not on the date of raising objection. There are various other objections raised by the parties including the allegations and counter-allegations revolving

around the procedure and the practice adopted by the State person.
Even that cannot be gone into.

3 Therefore, by keeping all points open, the Writ Petition is
dismissed.

4 In view of dismissal of Writ Petition itself, nothing survives
in Civil Application and is also disposed of.

(ANOOP V. MOHTA, J.)