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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 2426 OF 2015

Vikram Vijaysingh Nimbalkar		Petitioner
vs		
Shri Chatrapati Sahkari Sakhar & ors.		Respondents

Mr. P. N. Joshi i/by Mr. M.M. Bedgujar for the Petitioner
Mr. Abhijeet P. Kulkarni for the Respondent No.1.
Mr. A.R. Metkari, AGP for respondent No.2.

CORAM: ANOOP V. MOHTA, J.

DATE : March 10, 2015

P.C.:

Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2 The Petitioner has challenged order dated 7.3.2015 passed by the District Cooperative Election Officer (Regional Deputy Director of Sugar, Pune, thereby rejected the Petitioner's application/objection dated 20.02.2015 whereby he has requested to include/transfer his name from Gat No.1 to Gat No.2 being permanent resident of Sansar – Jachakvasti and produce the supporting material and details. The

learned Authority-Respondents also noted that had the society inserted the name, the Application could have been allowed, but there is no specific objection and/or reason to reject the said name on merit. The learned counsel appearing for the Petitioner has also pointed out and made averments along with supporting documents to show that the same Authority/Respondent has allowed similarly situated person's application and permitted them to include/transfer their name as prayed for. Therefore, in the interest of justice and as there is no legal bar and the provisional voters list is not yet finalised and as case is made out, I see there is no reason not to grant the Application so prayed by the Petitioner as similarly situated persons have already been permitted to transfer their names. Rules 11 and 18 of the Maharashtra Cooperative societies (Election to Committee) Rules, 2014 prescribe the procedure which needs to be followed by the Election Officer. There is no issue that the Application is within limitation. Having once granted similarly situated person's Applications and as there is no serious objection from the society, I am inclined to grant this Application to avoid further delay as the election is not yet declared and or finalised the voters list and the same would be declared on 12.03.2015.

3 Therefore, the following order :

ORDER

- (i) Impugned order dated 7.3.2015 passed by the District Cooperative Election Officer/The Regional Deputy Director (Sugar) is quashed and set aside.
- (ii) Application filed by the Petitioners under Rules 11 of Maharashtra Cooperative societies (Election to Committee) Rules, 2014 is allowed.
- (iii) The concerned Respondents to take steps in accordance with law in view of grant of Application.
- (iv) The Petitioner is permitted to participate in the ensuing Election.
- (v) The writ petition is allowed accordingly.
- (vi) Rule made absolute accordingly.
- (vii) No costs.

(ANOOP V. MOHTA, J.)