

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3209 OF 2015

Rajendra Gopal Ghare	..	Petitioner
Versus		
Divisional Joint Registrar, Coop.Societies at Kolhapur & Anr.	..	Respondents

WITH

WRIT PETITION NO.3875 OF 2015

Dattu Rama Chavan	..	Petitioner
-Versus-		
The Dist. Coop.Election Officer, Kolhapur, & Ors.	..	Respondents

Mr.Manoj Patil for petitioner in W.P.3209 of 2015 and for respondent No.3 in W.P.3875 of 2015

Mr.Prashant Bhavae for petitioner in W.P.3875 of 2015 and for respondent No.3 in W.P.3209 of 2015

Mr.Ashish P Pawar for respondent No.2 in W.P.3209 of 2015

Mr.Chetan Patil for respondent No.4 in W.P.3875 of 2015

Mrs.Vaishali Nimbalkar, AGP for respondent No.1 in both matters.

CORAM : R.M.SAVANT, J

DATE : 16th APRIL 2015.

PC.

1] The above petitions are cross petitions, challenging the order passed by the District Cooperative Election Officer (for short the Officer)

dated 23rd March 2015, by which order the said officer has directed the name of the respondent No.2 society to be deleted from the final list of voters. The said deletion is on the ground that there is a dispute as to who is to be the delegate of the respondent No.2 society.

2] The dispute is between the petitioners in both the petitions, who claim to be delegates nominated by the respondent No.2 society pursuant to the purported resolutions passed by the respondent No.2 society.

3] In my view, having regard to the said dispute the Officer was within his rights to delete the name of respondent No.2. An attempt is made by the learned Counsel for the petitioner in W.P.No.3875 of 2015 in the matter of requesting this court to peruse the record of the society in the matter of resolutions being passed favouring the petitioner in the said petition. In my view, it is not possible for this Court in its writ jurisdiction under Article 227 of the Constitution of India to delve into the said factual aspects, especially, having regard to the fact that the issue as to who is the delegate of the society is a contentious issue between the two petitioners abovenamed. In that view of the matter, the above petitions are dismissed. However, it would be open for the petitioners to adopt appropriate proceedings for assertion of their respective rights as to who is

to be delegate of the society. If any such proceedings are filed, needless to state that the same would be considered on their own merits and in accordance with law.

4] With the aforesaid observations, both the petitions are dismissed.

(R.M.SAVANT, J.)