

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

WRIT PETITION NO.4973 OF 2015

Shri. Hajrat Kadar Mulani and another

.. Petitioners

Versus

**District Co-operative Election Officer
and another**

.. Respondents

Mr. A. D. Sale, for the Petitioners.

Mr. S. D. Rayrikar, AGP for the Respondent No.1.

Mr. Surel Shah i/by Mr. S. S. Inamdar, for the Respondent No.2.

CORAM : R.M. SAVANT, J.

DATE : 08th JUNE, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 28.05.2015 passed by the District Co-operative Election Officer and Regional Deputy Director, Hand-loom, Solapur by which order the application filed by the Petitioners to restrict the voters list to 2380 members was rejected. The voters list has been prepared for the elections which are to be held to the Respondent No.2 - Soot Girni which is a co-operative society. It is the case of the Petitioners that the voters list has been wrongly inflated to 6712 members, whereas it should have been

restricted to 2380 members. In support of the said contention the Petitioner sought to place reliance on certain audit reports which have been annexed to the above Petition, wherein the number of members has been shown 2380. However, it is required to be noted that the election authority has referred to various documents in paragraph 4 of the reasoning part of the impugned order. The first document is the voters list prepared for the elections which took place in the year 2007, wherein the voters were numbering 4996. The second document is a report submitted by the Regional Deputy Director, Hand-loom, Solapur based on the I-form, wherein the number of members is shown as 5008. As also the report submitted by the Regional Deputy Director, Hand-loom, Solapur to the State Government in the matter of disbursement of the loan to the Respondent No.2 Soot Girni, wherein the number of members is shown as 5015. It appears that four members whose names were deleted from the voters list had filed Case No.58 of 2015 in the Co-operative Court and in the said case a compromise was arrived at between the parties, wherein it was agreed that names of the promoter members would be incorporated in the voters list. The said compromise is also referred to by the authority. The last document is the certificate issued by the Respondent No.2 wherein it has been stated that the voters list is legal and proper. In the light of the aforesaid plethora of documents which have been mentioned in the order passed by the District Co-operative Election Officer, in my

view the impugned order passed by him cannot be taken exception to. No case for interference in the Writ Jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]