

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

WRIT PETITION NO.6091 OF 2015

Mr. Dussa Swarajyam

.. Petitioner

Versus

**Assistant Registrar, SRA, Anant Kelkar Marg,
Bandra (E), Mumbai and others**

.. Respondents

Ms. Poonam Gupta, for the Petitioner.

Shri. Rupesh R. Lanjekar, for the Respondent Nos.3 to 5.

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

CORAM : R.M. SAVANT, J.

DATE : 3rd JULY, 2015

PC.

1. The order dated 24.06.2015 passed by the Assistant Registrar, Co-operative Societies (Mumbai City), SRA, Mumbai is taken exception to by way of the above Petition. By the said order the Appeal filed by the Respondent No.3 herein against the rejection of his nomination by the Returning Officer for the elections to be held to the society in question was set aside. The elections to the Indira Nagar Co-operative Housing Society which is a society of slum dwellers was announced on 18.05.2015. In terms of the election programme the final list of voters was published on 10.06.2015 wherein the name Shaikh Muzafer Rehman is appearing. The Respondent No.3 herein filed his nomination in which he mentioned his

name as Shaikh Mojibar Atiyar Rehman, that is the same person whose name is appearing as Shaikh Muzafer Rehman in the final list. The Returning Officer in view of discrepancy in the name of the Respondent No.3 as appearing in the final list of voters and the name appearing in the nomination rejected the nomination of the Respondent No.3. In view of the fact that the Respondent No.3 was the proposer of the Respondent No.4 and seconder of the Respondent No.5, the nominations of the Respondent Nos.4 and 5 were also rejected.

2. The Respondent Nos.3 to 5 filed an Appeal before the Appellate Authority. The Appellate Authority as indicated above has by the instant impugned order dated 24.06.2015 has allowed the Appeal. The gist of the reasoning of the Appellate Authority is that no material was placed on record by the Petitioner to indicate that there are two different persons bearing the two names. The Appellate Authority adverted to the fact that Respondent No.3 has applied for change in his name in the Government Gazette which application is pending and has filed an affidavit to the said effect and therefore, the same proves that the person known by the said two different names is one and the same person. It is required to be noted that the election programme is at the stage where the final list of validly nominated candidates is to be published tomorrow and the voting is to take place on 10.07.2015. In my view, having regard to the

reasons mentioned in the impugned order as also having regard to the stage of the election programme at present, no interference in the Writ Jurisdiction of this Court is called for. The Writ Petition is accordingly dismissed. However, it would be open for the Petitioner to adopt appropriate proceedings after the elections are over, if the occasion so arises. The same would undoubtedly be decided on its own merits and in accordance with law.

[R.M. SAVANT, J]