

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

WRIT PETITION NO. 7150 OF 2015
WITH
CIVIL APPLICATION NO. 2136 OF 2015

The Patpimpri Shetkari Vikas Sahakari Sanstha Maryadit v/s.	...	Petitioners
The Assistant Registrar & ors.	...	Respondents

AND

Mr. Bhaskar Dalvi	...	Applicant
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Mr. S.S. Patwardhan a/w. Akshay Petkar i/b Mr. Drupad Patil for the applicant.

Mr. Rajiv Chavan, Sr. Counsel i/b. Mr. S.M. Sabrad for the petitioners.
Mr. P.G. Sawant, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

24th July, 2015.

P.C.

The learned Senior Counsel appearing for the petitioner submits that consequent to the order passed by the Single Judge of this Court (R.M. Savant,J) on 2nd July, 2015, the Hon'ble Co-operative Minister decided revisions. The said revision petitions were dismissed by Minister by an order on 15th July, 2015. It is submitted that order passed by the Minister was not served on the petitioners. It is alleged that in a hurried

manner District Dy. Registrar, Co-operative (Nashik) passed order deleting petitioner's name from the voters list without notice to the petitioner. Learned Counsel submits that the authority ought to have followed the principles of natural justice and intimated the petitioners. Due to passing of the impugned order, petitioners are now excluded from the voters list in the midst of election. The voting would take place on Sunday.

2. Learned Counsel appearing for the Intervenor submits that order passed by the Minister is part of intervention application which was served on the other side yesterday. It is submitted that the order of the Minister so far to the knowledge of the applicants has not been challenged by the petitioners. In view of the dismissal of the revision, the consequences would follow and would result in exclusion of the petitioners from the voters list.

3. Learned Counsel places reliance on the judgment in the case of ***Dattatraya Kachru Chine & ors. v/s. State of Maharashtra & ors. {2005(4) Mh.L.J.}***.

4. We have perused the record placed before us. Clause-5 of the order passed by the learned Single Judge reads as under:

“ The inclusion of the names of the Respondent No.1 Societies in the voters list is for the present not interfered with but the same would be contingent upon the decision that would be rendered in the Revision

Applications”.

5. The issue is that if the petitioners are not registered as multi-purpose co-operative society, they would not be in a position to register themselves as a voters and participate in the election process. In this view of the matter and the fact that the process is set in motion and voting is to take place on Sunday, keeping all issues on merits open, we are not inclined to interfere into the matter under extraordinary writ jurisdiction. Petition is dismissed.

6. In view of dismissal of petition, civil application does not survive and is disposed of accordingly.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)