

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1280 OF 2015

(Seva Sahakari Society, Kawatha Kadu Vs. District Co-Op. Election Officer & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. A. Gawande, Advocate for the petitioner.
Shri M. Pathan, A. G. P. for respondents No. 1 & 2.

**CORAM : B. P. DHARMADHIKARI
& S. B. SHUKRE, JJ.**

DATED : 18 MARCH, 2015

Respondent No.3 is stated to be served yesterday only, however, learned Counsel for the petitioner insisted for hearing. According to him the matter is urgent.

It is pointed out to this Court that as per the model bye-laws, which have come into force in 2013 after 97th constitutional amendment, share price has been increased to Rs.100/- from Rs.5/-. 106 members of the petitioner-society though informed about it, did not bother to pay deficit amount of Rs.95/- and as such their names were rightly not included in the provisional voters list. The support is being taken from the press note of office of respondent No.3 for this submission.

It is contended that after publication of

the provisional voters list, these members sought their inclusion as members and the District Deputy Registrar, who is functioning as Election Officer, has directed to add their names in the voters list.

Learned A.G.P. appearing for respondent Nos. 1 and 2 submits that those 106 persons were members of the society since long and they offered to pay deficit share amount so as to make good the short fall, as such their inclusion in the voters list cannot be faulted with.

The 106 members, who did not pay the deficit amount of Rs.95/-, have now offered to pay it and accordingly their names are directed to be added in final voters list. The action of respondent No.1- Election Officer cannot be said to be without jurisdiction. These 106 members are not parties before us. As such, we are not inclined to interfere in that action in extra ordinary jurisdiction under Article 226. Leaving all contentions of the petitioner in relation to such inclusion open and with liberty to it to raise the same as and when occasion therefor arise, the writ petition is dismissed with no order as to costs.