

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

WRIT PETITION NO. 1359 OF 2015

(Sau. Jotsana w/o anil Ghungrud & Ors. vs. State of Maharashtra thr. its District Deputy Registrar, Co-operative Societies, Wardha & Ors.)

AND

WRIT PETITION NO. 1363 OF 2015

(Ghansham Bhauraoji Yerlekar & Ors. vs. State of Maharashtra thr. its District Deputy Registrar, Co-operative Societies, Wardha & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 08, 2015.**

Heard Shri Siras, learned counsel for the petitioners and Shri Pathan, learned AGP for respondent Nos. 1 & 2.

Total eight persons are before this Court in these two matters with a prayer to include their names in final voters list for elections of Respondent No. 3 – Vividh Karyakari Seva Sahakari Sanstha Maryadit, Yerla, Tahsil – Hinganghat, District – Wardha.

Shri Siras, learned counsel submits that in the impugned communication, reference to provisions of Section 27(10) of Maharashtra Co-operative Societies Act, 1960, is erroneous and last proviso to Section 26(2) expressly protects the petitioners.

The learned AGP relies upon reply affidavit. He submits that none of the eight persons before this Court have raised any objection to provisional voters list. The President

and the Secretary of the Society raised objection and when Returning Officer called for records, the Group Secretary of Respondent No. 3 did not cooperate and records were not made available. He further submits that on 04.04.2015 there was a stage of withdrawal of nomination papers and voting is now scheduled on 19.04.2015. There are total 210 voters. He has also invited our attention to prayer clauses in the petitions.

In prayers, there is a request to restrain the District Election Officer from proceeding further with conduct of election. None of the eight petitioners personally approached the Returning Officer and have not raised any objection to the provisional voters list. The President and Secretary of the Society raised those objections and the Group Secretary, who had records of the society and works under them, thereafter did not cooperate with Respondent No. 2. The stage of withdrawal of nomination papers is already over and now 210 voters are to cast their vote on 19.04.2015. In this situation, we are not inclined to interfere in writ jurisdiction.

With liberty to the petitioners to take such other steps as are open to them in law, after results are declared, we dispose of both these writ petitions with no order as to costs.

JUDGE

JUDGE