

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 1314 OF 2016

1. Anil Hilal Kunwar
age 55 years, occ. Hamal.
2. Ashok Pralhad Dhakad
age 41 years, occ. Hamal.
3. Sanjay Parshuram Chavan
age 52 years, occ. Hamal.
4. Dattu Kisan Jokhar
age 45 years, occ. Hamal.
5. Suresh Bhagwan Javheri
age 47 years, occ. Hamal.
6. Dagadu Sakharam Arnale
age 40 years, occ. Hamal
7. Sanjay Shrirang Walunjkar
age 40, occ. Hamal
8. Maruti Mahinath Walunjkar
age 43, occ. Hamal
9. Rajendra Gorakh Patil
age 49, occ. Hamal
10. Madhukar Pandurang Wani
age 44, occ. Hamal.

All r/o Shirpur, Tq. Shirpur
Dist. Dhule.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Co-operation Department,
Mantralaya, Mumbai 32.
2. The Director of Marketing
Maharashtra State, Pune.
3. The District Deputy Registrar
Co-operative Societies,

Dhule, Dist. Dhule

4. The Assistant Registrar
Co-operative Societies,
Shirpur, Tq. Shirpur,
Dist. Dhule.
5. The Agriculture Produce
Market Committee, Shirpur,
Tq. Shirpur, Dist. Dhule
Through its Secretary
6. Chande Danney Vishram
age major, occ. Nil
r/o Market Road,
Ambedkar Chowk,
Shirpur, Tq. Shirpur,
Dist. Dhule.

.. RESPONDENTS

Mr. P.M. Shah, Senior Counsel instructed by Mr. D.S. Bagul, advocate for petitioners.

Mr. P.S. Patil, AGP for the State.

Mr. P.D. Bachate, advocate holding for Mr. G.D. Jain, advocate for respondent no. 5.

**WITH
WRIT PETITION NO. 1321 OF 2016**

1. Babulal s/o Bhika Mali
age 55 years, occ. Business
2. Manoj s/o Ashokchand Jain
Proprietor of
M/s Sapna Trading Co.
age 40 years, occ. Business
3. Dipak s/o Babulal Mahajan
Proprietor of
M/s Babulal Bhika Mali and Co.
4. Piyush s/o Nathulal Sharma
Proprietor of
Shiv Fruit Co.
age 47 years, occ. Business
5. Anup s/o Subhashchandra Agrawal
Partner of
M/s B.H. Agro Pvt. Ltd.

occ. Business

6. Siddik Bafati Teli
Proprietor of M/s Siddik Bafati
age 40 years, occ. Business
7. Shri Amrishbhai Rasiklal Patel
Partner of Aamoda Telbiya
age 63, occ. Business

All r/o Shirpur, Tq. Shripur,
Dist. Dhule.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Co-operation Department,
Mantralaya, Mumbai 32.
2. The Director of Marketing
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3. The District Deputy Registrar,
Co-operative Societies,
Dhule. Dist. Dhule.
4. The Assistant Registrar,
Co-operative Societies,
Shirpur, Tq. Shirpur,
Dist. Dhule.
5. The Agriculture Produce
Market Committee, Shirpur,
Tq. Shirpur, Dist. Dhule.
Through its Secretary
6. Chandrakant Damodhar Patil
age major, occ. Nil
r/o Shingave Taluka Shirpur,
Dist. Dhule.
7. Nathu Dhoman Patil
age 60, occ. Nil
r/o Shingave, Tq. Shirpur,
Dist. Dhule.

.. RESPONDENTS

Mr. D.S. Bagul, advocate for petitioners.

Mr. P.S. Patil, AGP for the State.

Mr. M.S. Deshmukh, advocate for respondents 4, 5 and 8.

WITH
WRIT PETITION NO. 1699 OF 2016

1. Abhijeet s/o Arvind Agrawal
Prop. Arvind P. Agrawal
age 40 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
2. Ashish Kamalkishor Agrawal
Prop. S.R.
Age 45 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
3. Jyoti Sanjay Agrawal
Prop. Kanhaiyalal Bansilal,
age 43 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
4. Dilipkukmar Bansilal Agrawal
Prop. Dilip Ind.
Age 50 years, occ. Business,
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
5. Nikhil Mahendra Agrawal
prop. Shriram Ind.
Age 25 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
6. Meena Kailaschand Agrawal
Prop. K.R.
Age 42 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
7. Mukesh Rameshchand Agrawal
Prop. Gangeshwar
age 30 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
8. Rajesh Tarachand Agrawal
Prop. Shubham Agro.
Occ. Business
r/o Shirpur, Tq. Shirpur,

Dist. Dhule.

9. Shirish Santosh Agrawal
prop. Ganesh Tr.
Age 32 years, occ. Business,
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
10. Santosh Tekchand Agrawal
Prop. Omshanti Tr. Comp.
Age 59 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
11. Mahendra Lakhising Girase
Prop. Swami Trading
age 46 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
12. Harshal Bhupendrasing Girase
Prop. Ashirwad Trd.
Age 28 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
13. Dilip Vasudeo Gupta
age 50 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
14. Kishor Atmaram Gujar
age 44 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
15. Rohidas Vanji Gujar
age 75 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
16. Avinash Krishnadas Shah
Prop. Radhe Trading
age 42 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
17. Santosh Dhondu Chaudhari
Prop. Nayan Trading,
age 46 years, occ. Business

r/o Shirpur, Tq. Shirpur,
Dist. Dhule.

18. khemchand Hiralal Jain
age 50 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
19. Girish Bhagchand Jain
age 43 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
20. Chunilal Hiralal Jain
age 57 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
21. Yuvraj Girishchand Jain
Prop. Laherchand Dhanji
age major, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
22. Lalitkukmar Gulabchand Jain
Prop Arihant Trd.
Age 49 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
23. Vikrant Ramesh Jain
Prop. Vikrant Brothers
age 33 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
24. Vijay Gulabchand Jain
Prop. Dhanna Trd.
Age 55 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
25. Seemabai Rajendra Jain
Prop. Sandesh Trd.
Age 39 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
26. Mahamad Bafati Teli
age 55 years, occ. Business

r/o Shirpur, Tq. Shirpur,
Dist. Dhule.

27. Pratapsing Shankarsing Pardeshi
age 70 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
28. Pratapsing Shankarsing Pardeshi
Prop. Parihar Trd.
Age 70 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
29. Laxman Pandi Patil
Prop. Patil Trd.
Age 75 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
30. Dnyaneshwar Yeshwant Patil
Prop. Balweer Trd.
Age 46 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
31. Kadar Mahamad Bagwan
age 67 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
32. Mushtaq Phakira Bagwan
age 43 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
33. Yunus Phakira Bagwan
Prop. Bagwan Brothers
age 40 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
34. Yusuf Phakira Bagwan
Prop. Samer Udyog
age 57 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
35. Namdeo Rama Marathe
age 72 years, occ business

r/o Shirpur, Tq. Shirpur,
Dist. Dhule.

36. Bhagwansing Bhimsing Rajput
Prop. Ramdas Hi
age 48 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
37. Mishrilal Ramchandra Rathi
Prop. Balaji Trd.
Age 60 years, occ. business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
38. Vijay Ratanlal Sharma
Prop. R.B.
Age 32 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
39. Padyutkumar Kunkumchand Shaha
Prop. P.K. Shaha
age 56 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
40. Bhupendrakumar Amrutlal shaha
Prop Hema.Trd
age 50 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.
41. Satish Dagadulal Jain
Prop. Wardhman Trd. Comp.
Age 45 years, occ. Business
r/o Shirpur, Tq. Shirpur,
Dist. Dhule.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Co-operation Department,
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3. The District Deputy Registrar,

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Shirpur, Tq. Shirpur,
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5. The Agriculture Produce
Market Committee, Shirpur,
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6. Chandrakant Damodhar Patil
age major, occ. Nil
r/o Shingave, Tq. Shirpur
Dist. Dhule.
7. Nathu Dhoman Patil
age 60 occ.nil
r/o Shingave Taluka Shirpur
Dist. Dhule.

.. RESPONDENTS

Mr. D.S. Bagul, advocate for petitioners.
Mr. P.S. Patil, AGP for the State.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 10th FEBRUARY, 2016.

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, petitions are taken up for final disposal at admission stage.

3. Petitioners are objecting to the order passed by the District Deputy Registrar, Co-operative Societies, Dhule, on 27.01.2016 directing striking off names of 977 members from Tranders and Commission Agents Constituency and 599 names from the Hamal Constituency. As a result of

the impugned order, the whole voters list of the market committee so far as Traders and Commission Agents Constituency and Hamal Constituency is concerned, gets wiped off.

4. The District Deputy Registrar has acted upon the complaint allegedly tendered by respondents. The complaint, admittedly refers to lessor number of voters however, the District Deputy Registrar has proceeded to direct deletion of almost all the names included in the provisional voters list prepared for the purpose of elections to the market committee. So far as Hamal Constituency is concerned, it is pointed out that there are 599 voters enlisted in the provisional voters list whereas the objector has tendered objection in respect of inclusion of 316 voters. Notice that was published by the District Deputy Registrar inviting reply of the concerned voters on the objection tendered by the objector contains 106 names. The notice is published in the local newspaper on 22.01.2016 and the concerned voters were called upon to answer the objection on 27.01.2016. The District Deputy Registrar, on perusal of the record, without scrutinising the licence given to the respective voters, proceeded to direct striking off names of voters enlisted in the preliminary voters list. The matter in respect of Traders Constituency is also not different and the order suffers from same deficiencies as in the case of Hamal Constituency.

5. It is the contention of petitioners that the objection has been raised so far as Traders Constituency is concerned, by way of objection in respect of enlistment of 770 voters. We have perused the objection tendered by the

objector and, on reading the text, we are of the view that the objection is as vague as it could be. The objections tendered before the District Deputy Registrar do not prima facie appear to be in conformity with Rule 36(8) of the Maharashtra Agricultural Produce Market (Development and Regulation) Rules, 1967. Rule 36(8) reads thus :

36. Voters' list :

(8) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the list is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the list [- - - -] and in case of an objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which he is entered.

The objections acted upon by the District Deputy Registrar are not in conformity with sub-rule 8 as quoted above. Apart from this, as has been stated above, the District Deputy Registrar had called upon only 106 voters from Hamal Constituency whose names were published in the notice in the newspaper, to answer the objections whereas the officer has directed striking off names of all the voters enlisted in the voters list i.e. 599 voters. Similarly, in Traders Constituency, though the objection is vague as stated above, the names of all 977 voters are directed to be deleted although objection relates to 770 voters.

6. The order has been passed by the District Deputy Registrar without application of mind to the record of the case. It shall be the responsibility of

the District Deputy Registrar to look into the relevant provisions of the rules and, after extending an opportunity of hearing to all the concerned against whom objection is raised, he shall have to proceed to take appropriate decision in accordance with the provisions of law. The impugned orders passed by the District Deputy Registrar directing striking off names of all the voters from Hamal and Traders Constituency are quashed and set aside. The District Deputy Registrar is directed to re-consider the matters, after extending an opportunity of hearing to all the parties concerned, including the voters whose names are sought to be deleted. The District Deputy Registrar shall take appropriate decision in accordance with the provisions of law, expeditiously. Rule made absolute in above terms. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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