

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 1579 OF 2015
WITH CA/2472/2015 IN WP/1579/2015

NARENDRA ARUN BHAMRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. A.S. Sawant
AGP for Respondents: Mrs. A.V. Gondhalekar.
Advocate for intervenor: Mr. Y.B. Bolkar, Adv. h/f. Mr. A.B. Girase.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 29th JUNE , 2016.**

PER COURT:

1] Heard learned counsel for the petitioner, Mr. Bolkar for the intervenor, so also, the AGP. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] Petitioner assails the order/letter dated 1.2.2015 (Exh. E), thereby deleting the name of the voters from the supplementary voters list.

3] It appears that the last date for publication of the final voters list was 29th January, 2015 and on that date, final voters list was published. One voters list was consisting of 443 members and the another supplementary voters list was also published consisting of 75 voters. The said lists were published on 29.1.2015 as per the schedule. Subsequently, on the ground that necessary documents have not been made available to the Returning Officer, with regard to the voters enlisted in the voters list, the said list is cancelled. This was done on 1.2.2015 after the final voters list was published.

4] No provision is pointed out under which the Returning Officer could have deleted the name of the voters after the last date of publication

of final voters list.

5] This Court vide order dated 10.2.2015 had granted ad-interim relief in terms of prayer clauses (C) and (D) which read as under :-

" C. Pending hearing and final disposal of this Writ Petition, the Hon'ble High Court may be pleased to direct the respondent No.4 i.e. Returning Officer to hold the election of the society as per the final list of voters published on 29.01.2015 wherein it is declared that in all 518 persons are the valid members of the society and further be pleased to pass necessary orders for the said purpose.

D. Pending hearing and final disposal of this Writ Petition, the Hon'ble High Court may be pleased to grant stay to the communication dated 01.02. 2015 issued by the Respondent No.4 i.e. Returning Officer addressed to the petitioner deleting names of voters mentioned in the supplementary list published on 29.01.2015 and further be pleased to pass necessary orders for the said purpose."

6] An affidavit has been filed by the Assistant Registrar, Cooperative Societies, stating that pursuant to the interim orders passed by this Court election has been held on 1.3.2015 and thereafter on 11.3.2015 election of the Chairman has also been held.

7] In the light of the above, Rule is made absolute in terms of the interim order. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-