

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

49 WRIT PETITION NO. 3801 OF 2013

ANIL RAMBHAU PADVI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Savale Amit S
AGP for Respondents 1 to 4 State: Mrs. A. V. Gondhalekar
Advocate for Respondent No.8 : Mr. Amol Sawant
Advocate for Respondents 12 to 14: Mr C. V. Bhalerao

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 28th November, 2016

ORDER:

1. Mr. Savale, the learned counsel for the petitioner submits that the petitioner, initially, by filing writ petition, had challenged the imperfect electoral roll of the Multipurpose Cooperative Societies and village panchayats constituencies. However, the election had taken place. Thereafter the writ petition is amended and constitution of the Agricultural Produce Market Committee, Akklalkuwa is challenged. The election itself is vitiated as there were 18 societies which were under liquidation and representation was also given from the said societies. The said representation could not have been given.

2. The learned AGP submits that the said societies went under liquidation after the final voters list was published. The final voters list was published on 10th

January, 2013 and the said societies went under liquidation on 22nd January, 2013.

3. We have also head learned counsel for the other respondents.

4. Petitioner had, at no point of time, raised any objection to the voters list. Thereafter elections have been concluded. When the final voters list was published, the said societies were not under liquidation as per the affidavit filed by the petitioner. The term is of five years. More than three years have already lapsed. As no objection has been raised to the voters list and persons have been elected, the petitioner could have challenged the said election as per provisions of the MAPM Act and Rules.

5. Considering the aforesaid conspectus of the matter, it would not be proper now to consider the petition at this stage. Writ petition disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC