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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5992 OF 2016
IN
WRIT PETITION NO.3444 OF 2016

Dnyandeo Hari Memane and Others

APPLICANTS

VERSUS

The Assistant Registrar (Dairy) Co-operative
Societies, Ahmednagar & others

RESPONDENTS

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Mr. V. D. Hon, Sr. Advocate i/b Mr. A. V. Hon, for applicants
Mr. S. K. Tambe, AGP for respondent-State
Mr. V.D.Salunke, h/f Mr. V.R.Dhorde, Adv for R-2 & 3

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 3rd MAY, 2016

ORDER :

1. Leave to amend and add returning officer as party respondent.
2. Heard learned advocate for the applicants.
3. The civil application has been moved aggrieved by order dated 27th April, 2016 by the returning officer, turning down the request of the applicants to permit them to vote in the ensuing election to managing committee of Chhatrapati Shivaji Maharaj Sahakari Doodh Utpadak Sanstha Limited, Chikhali, Taluka-

Sangamner, District - Ahmednagar.

4. Learned senior advocate appearing on behalf of the applicants submits that although this court, under order dated 12th April, 2016 issued rule in writ petition No.3444 of 2016 and had made it returnable for hearing on 24th June, 2016, in the interregnum election programme which had been apprehended while interim relief had been sought in the writ petition, had been hastily published in order to undo the outcome of the writ petition and thereafter, order to which exception has been taken in the civil application has been passed by the returning officer. He submits that in the process, their sacred right as voters of the society would be trampled down.

5. Learned senior advocate goes on to submit that the situation can be salvaged by making a similar arrangement as had been made by this court under an order dated 7th April, 2016 in writ petition No.4196 of 2016, wherein polling by deleted voters had been allowed by directing to keep votes cast by said deleted voters in a separate ballot box and as such, it requires to give similar treatment to present case as well.

6. Learned advocates for the respondents, however, stiffly oppose the request being made under the civil application and

also opposed the arrangement as has been requested by learned senior advocate. It is contended by them that this court, under the reasons for refusal to grant interim relief under order dated 12th April, 2016 has expressed that the antecedents and events occurring have not been able to persuade the court to grant interim relief, as prayed for. According to learned advocates there is no change in the circumstances, which would necessitate any alteration in the order already passed on 12th April, 2016.

7. Looking at the submissions, those were canvassed on either side, which went into a making of the order refusing interim relief, the present scenario does not call for any indulgence considering the request in civil application for reliefs. The applicants / petitioners have been away from claimed exercise of franchise from 2006-07. In the circumstances, the request of the applicants is difficult to be acceded to.

8. Civil application, as such, stands rejected.

[SUNIL P. DESHMUKH, J.]