

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

WRIT PETITION NO.5683 OF 2016

Namdeo s/o. Rambhau Munde,
Age 57 years, Occ. Service
and Agril., r/o. Indapwadi,
Tq. Parali, Dist. Beed ..Petitioner

Versus

The Additional Registrar and
Special Registrar, Co-operative
Societies, Maharashtra State,
Pune and ors. ..Respondents

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Mr.P.D.Suryawanshi, Advocate for petitioner

Mr.R.B.Bagul, AGP for respondent nos.1 and 2 -
State

Mr.S.K.Kadam, Advocate for respondent no.3

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CORAM : SANGITRAO S. PATIL, J.
DATE : JUNE 01, 2016
(Vacation Court)

ORAL ORDER :-

Heard finally with consent of the parties.

2] The learned Counsel for the petitioner submits
that though the petitioner was not in arrears of

any dues of any Co-operative Society/Sugar Factory, still he was shown to be in arrears of dues of respondent no.4. The petitioner made several representations to the said Society for making it clear that he was not in arrears of dues, but it was of no use. According to the petitioner, this was done deliberately with a view to deprive him of the opportunity to vote in the elections of respondent no.4.

3] The election programme of respondent 4 was declared by the Returning Officer appointed by respondent no.3. Accordingly, the final list of voters was published on 03.05.2016 when the petitioner found that his name was not there in the voters list. He, therefore, made representation before the Returning Officer on 13.05.2016 and requested him to insert his name in the voters list. The Returning Officer rejected that representation on the ground that it was not

filed within the prescribed period. The petitioner challenged the said verdict of the Returning Officer by this Writ Petition.

4] The learned Counsel for the petitioner submits that a deliberate attempt has been made to keep the petitioner away from his valuable right to vote. He, therefore, prays that the petition may be allowed and the Returning Officer may be directed to allow the petitioner to vote in the election of respondent no.4 scheduled to be held on 02.06.2016.

5] The learned AGP appeared for respondent nos.1 and 2 – State, while Mr.S.K.Kadam, learned Counsel appeared for respondent no.3. None present for respondent no.4, though duly served with notice.

6] The learned Counsel for respondent no.3 submits that respondent no.4 is a Type 'C' Society

as classified in Rule 4(III) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 ("Rules" for short), being Primary Agriculture Co-operative Credit Society having paid up share capital less than Rs.10 Lakhs. He submits that the election of the Committee of respondent no.4 is governed by Rule 75. As seen from the said Rule, after publication of the final voters list, there is no provision for entertaining any objection and making any correction therein. He submits that the petitioner did not raise objection before the Returning Officer on the date given in the election programme. The objections/representations against the voters list were to be made by 02.05.2016. The final voters list was published by the Returning Officer on 03.05.2016. The petitioner made representation before the Returning Officer on 13.05.2016. Consequently, the Returning Officer rightly rejected the said representation as it was

made much after the last date of raising objections. He supports the impugned order and prays that the present Writ Petition may be dismissed.

7] There is no dispute that respondent no.4 is a Primary Agriculture Co-operative Credit Society coming under Type "C" Societies enumerated in Rule 4(III) of the Rules and that the election for the Committee of respondent no.4 is governed by Rule 75. The said Rule contains the election programme that is to be prepared by the Returning Officer according to the provisions mentioned therein. The said Rule does not provide for correction or modification of the final voters list after its publication on the date fixed in the election programme. As seen from the election programme (Exhibit-C), the Returning Officer had fixed the date as 02.05.2016 for receiving objections/representations in respect of the

voters list. The final voters list was to be published on 03.05.2016. Accordingly, he published the final voters list on 03.05.2016. The present petitioner filed his representation before the Returning Officer on 13.05.2016 i.e. much after the date on which he was supposed to raise objection in respect of the voters list. Naturally and legally, the Returning Officer could not have entertained such belated objection against the voters list. The Returning Officer has rightly rejected the said objection/representation on the ground that it was received much after the date on which the objection/representation was to be raised against the voters list.

8] Considering this factual as well as legal position, I do not find any illegality in the impugned order passed by the Returning Officer. There is no substance in the claim of the petitioner in this Writ Petition.

9] In the above circumstances, the Writ Petition is liable to be dismissed. Accordingly, it is dismissed. The parties are left to bear their own costs.

[SANGITRAO S. PATIL, J.]

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