

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

901 WRIT PETITION NO. 8862 OF 2016

OMPRAKASH CHANDRANATH ARYA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Bhapkar S.B.
AGP for Respondents 1 and 2 : R.B. Bagul
Advocate for Respondent 3 : A.N. Irpatgiri
Advocate for Respondent 4 : S.K. Kadam

...
CORAM : T.V. NALAWADE, J.
DATED : 2nd December, 2016.

ORDER :

1. The petition is filed to challenge the order made by the Assistant Registrar, Cooperative Societies, Latur by which the objection taken by the present petitioners is rejected. The objection was taken to inclusion of some names in voters list. It was argued in the present proceeding that the names of present petitioner exchairman was not included, but that was not the matter before the Assistant Registrar and in any case, the Authority has disqualified him from being Members. Both the sides are heard.

2. There is dispute in respect of 20 persons who are included in the voters list when they are dead. It can be said that the names were shown as Members and considering the power which is there with the Returning Officer, he has taken the

decision that the names will be there. However, it can be said that care will be taken that nobody will vote in the name of those 20 dead persons. So, that objection need not be considered.

3. There is objection to inclusion of 10 persons on the ground that though they have purchased plots, necessary permission from Collector for purchase was not obtained. This Court holds that at this stage, this point need not be considered. They are purchasers and they are Members on record rightly or wrongly and at this stage, this point cannot be considered.

4. Meeting will be held by the Authorized Officer of the State Cooperative Election Authority for electing the Directors. In view of the procedure which needs to be adopted in this regard and as the Authorized Officer of the State Cooperative Election Authority will be there, this Court holds that in anticipation it is not desirable to do anything.

5. Learned counsel Shri. Kadam drew attention of this Court to Rule 7 of the Election Rules. This Court holds that there is no scope to interfere in the order made by the Authorized Officer of State Cooperative Election Authority.

6. In the result, the petition stands dismissed.
Authenticated copy is allowed to both the sides.

[T.V. NALAWADE, J.]

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