

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 10257 OF 2016

MAHENDRA KISANRAO JADHAV AND ANOTHER
VERSUS
THE STATE CO-OP ELECTION AUTHORITY THROUGH SECRETARY AND
OTHERS

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Advocate for Petitioners : Mr. P.R. Katneshwarkar h/f

Mr. K.J. Suryawanshi

AGP for Respondents:Mr. S.S. Dande

Advocate for Respondents No.1 to 3 :Mr. S.K. Kadam

Advocate for Respondent No.4 :Mr. B.R. Kedar

Advocate for Respondent No.5, 49 :Mr. S.J. Salunke

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CORAM : R. M. BORDE & K. K. SONAWANE, JJ.

(Date: October 26, 2016)

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PER COURT :-

1 One of the objections raised by the petitioner, is in respect of drafting of the programme of election, by the State Cooperative Election authority, which, according to the petitioner is not in conformity with provisions of Section 152-A of the Maharashtra State Cooperative Societies Act.

2 While drafting the election programme, the period prescribed under section 152-A between two stages i.e. scrutiny and withdrawal for 15 days, has not been prescribed. There is thus violation of procedural requirement under the Act, which is

likely to affect the whole programme and may lead to declaration of whole election to be illegal. Even if the programme has reached at an advance stage, the necessary corrections can be effected. In this regard reliance can be placed on the Judgment of the division bench of this Court in the matter of **Shri. Tarasingh s/o Gopalsingh Jadhav vs. District Deputy Registrar, Co-operative Societies, Chikhali & ors.** (reported in 2010 (3) ALL MR 217).

3 Learned counsel appearing for the Taluka Cooperative Election Authority states on instructions that, the programme of election would be suitably modified so as to bring in conformity with section 152 of the Maharashtra State Cooperative Societies Act and steps in that regard would be taken immediately.

4 So far as other challenge in respect of incorporation of names of ineligible voters in the final voters list is concerned, it would be open for the petitioner to raise appropriate objection at an appropriate stage. Keeping the liberty as aforesaid open for the petitioner, the writ petition is disposed of.

(K.K. SONAWANE, J)

(R.M.BORDE, J)