

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

WRIT PETITION NO. 10490 OF 2016

Nanasaheb Dagadu Maharnavar

..PETITIONER

VERSUS

The Commissioner, State Election Authority
and Others

..RESPONDENTS

....

Mr. A.S. More, Advocate for petitioner.

Mr. S.K. Kadam, Advocate for Respondent Nos.1 to 3.

....

CORAM : T.V. NALAWADE, J.

DATED : 13th OCTOBER, 2016

ORDER :

1. Issue notice to respondents. Mr. Kadam waives service of notice for Respondent Nos.1 to 3.

2. Submissions made by both the sides show that final voters list is already prepared. It appears that under provision of Section 11 of the Maharashtra Co-operative Societies Act application is filed before the Assistant Registrar and prayer is made to declare 218 members disqualified for remaining as members of the society. It appears that during hearing the appearance is filed for aforesaid 218 members and the

matter is filed as against 93 more persons though on different ground and that proceeding is pending before the Assistant Registrar. The matter is kept for hearing on 17th October, 2016.

3. Learned Counsel for petitioner submitted that as the entitlement of the 218 members to vote in the election is in dispute and the said proceeding is pending before the Assistant Registrar, some order needs to be made which may be of the nature like keeping their votes separate so that the decision if any given by the Assistant Registrar will be given effect after the voting is over

4. The aforesaid circumstances show that final voters list is already prepared. If at all there was some objection, that ought to have been raised when provisional voters list was published. That stage is over as final voters list is prepared. In view of this circumstance, this Court holds that interference at this stage is not warranted. Petition is dismissed with liberty to take the ground in election petition.

(T.V. NALAWADE, J.)

SSD