

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

20 WRIT PETITION NO. 12183 OF 2016
WITH CA/16027/2016 IN WP/12183/2016

ABHIMANYU VIRBHADRAPPA RASURE
VERSUS
RETURNING OFFICER LATUR AND ANOTHER

Shri. Vijay B. Patil, Advocate, for petitioner.

Shri. S.K. Kadam, Advocate, for respondent No.1.

Shri. A.N. Irpatgire, Advocate, for respondent No.2.

Shri. Girish N. Kulkarni, Advocate for applicants in Civil
Application No.16027 of 2016.

CORAM: T.V. NALAWADE, J.

DATE : 13 DECEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the Returning Officer who is appointed for holding election to Latur Industrial Estate Co-operative Society Latur.

2) Notice. Learned counsel Shri. S.K. Kadam waives notice for respondent No.1. Learned counsel

waives notice for respondent No.2. Learned counsel who has filed application for intervention waives notice for the applicants of Civil Application No.16027/2016. Civil Application No.16027/2016 filed for intervention is allowed and disposed of.

3) It appears that, objection was filed by the present petitioner before the Returning Officer and he had requested to delete the names of as many as 51 persons from the provisional voters list. After hearing both the sides the Returning Officer has made order and has held that the names cannot be deleted.

4) The submissions made show that on record the aforesaid persons are shown as members and they are share holders. In the past a proceeding was filed under section 25A of the Maharashtra Cooperative Societies Act 1960 to which these persons were not party respondents and in that matter the Assistant Registrar Cooperate Societies, Latur had made order directing the society to take appropriate steps as there were allegations against the aforesaid persons that they were not conducting any

business which they were expected as per the constitution of the cooperative society. There was also allegation that some persons had transferred the property and they were not doing any business at all. Direction was given to issue show cause notice to them and make appropriate inquiry in which opportunity was to be given to those persons and then steps were to be taken for deletion of their names from the membership register.

5) The submissions made show that no steps of aforesaid nature were taken by the Society. Learned counsel for the petitioner submitted that in view of Section 25A of the Act their names ought to have been deleted straightway. This submission is not at all acceptable. Firstly, those persons were not party-respondents to the proceeding which was started before the learned Assistant Registrar. Secondly, even the society has not given show cause notice and has not followed procedure for deleting their names from the membership register. In view of these circumstances, their names remained there. Learned counsel for the petitioner submitted that due to non compliance of the provisions of

the Act, Board of Directors was removed and Administrator was appointed. After the Administrator was appointed in the 2015 no steps of any kind against those persons were taken by the Administrator also and so the names continued. Considering the nature of allegations against them this Court holds that at present they cannot be prevented from participating in the election, from voting in the election. These grounds can be raised in appropriate proceedings. All the points are kept open. No interference is called for. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

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