

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12662 OF 2016

1. Atul Bapu Japkar
Age : 20 yrs. Occu. Agri.
2. Ashok Ramdas Japkar
Age : 26 yrs. Occu. Agri.
3. Ashok Savleram Japkar
Age : 26 yrs. Occu. Agri.
4. Avinash Machindra Holkar
Age : 22 yrs. Occu. Agri.
5. Akashay Ashok Japkar
Age : 20 yrs. Occu. Agri.
6. Eknath Kishan Hole
Age : 31 yrs. Occu. Agri.
7. Kiran Jabaji Kardile
Age : 23 yrs. Occu. Agri.
8. Khandu Eknath Japkar
Age : 29 yrs. Occu. Agri.
9. Gopinath Kishan Hole
Age : 25 yrs. Occu. Agri.
10. Gopinath Kishan Hole
Age : 24 yrs. Occu. Agri.
11. Chandrakala Vijay Japkar
Age : 34 yrs. Occu. Agri.
12. Dada Baba Japkar
Age : 36 yrs. Occu. Agri.
13. Dada Dashrath Japkar
Age : 32 yrs. Occu. Agri.
14. Dilip Hanmanta Japkar
Age : 31 yrs. Occu. Agri.

15. Nandu Fakira Jadhav
Age : 36 yrs. Occu. Agri.
16. Nitin Sudham Holkar
Age : 26 yrs. Occu. Agri.
17. Namdeo Gangadhar Gadge
Age : 34 yrs. Occu. Agri.
18. Navnath Sitaram Hole
Age : 29 yrs. Occu. Agri.
19. Pravin Rajendra Chatar
Age : 23 yrs. Occu. Agri.
20. Pradeep Gorakh Japkar
Age : 23 yrs. Occu. Agri.
21. Pravin Rajendra Japkar
Age : 21 yrs. Occu. Agri.
22. Padma Goraksha Japkar
Age : 45 yrs. Occu. Agri.
23. Bandu Eknath Japkar
Age : 27 yrs. Occu. Agri.
24. Bandu Savaleram Japkar
Age : 27 yrs. Occu. Agri.
25. Bapu Bhau Kardile
Age : 32 yrs. Occu. Agri.
26. Bajirao Bhau Chatar
Age : 50 yrs. Occu. Agri.
27. Bandu Sahebrao Kandekar
Age : 47 yrs. Occu. Agri.
28. Bhaginath Ramdas Japkar
Age : 26 yrs. Occu. Agri.
29. Mahadeo Baba Hole
Age : 32 yrs. Occu. Agri.

30. Malhari Baba Hole
Age : 30 yrs. Occu. Agri.
31. Ram Maruti Salunke
Age : 21 yrs. Occu. Agri.
32. Rohini Popat Japkar
Age : 32 yrs. Occu. Agri.
33. Rajendra Snyabapu Bholkar
Age : 36 yrs. Occu. Agri.
34. Raghunath Shripati Japkar
Age : 40 yrs. Occu. Agri.
35. Ravindra Eknath Japkar
Age : 26 yrs. Occu. Agri.
36. Ramdas Dnyandeo Japkar
Age : 26 yrs. Occu. Agri.
37. Rajendra Rajaram Karpe
Age : 29 yrs. Occu. Agri.
38. Vaijayanta Nandkumar Japkar
Age : 32 yrs. Occu. Agri.
39. Vaijayanta Dnyaneshwsar Japkar
Age : 32 yrs. Occu. Agri.
40. Vaishali Vilas Japkar
Age : 30 yrs. Occu. Agri.
41. Vijay hanumanta Japkar
Age : 36 yrs. Occu. Agri.
42. Yogesh Machinera Holkar
Age : 23 yrs. Occu. Agri.
43. Shivaji Kisan Hole
Age : 30 yrs. Occu. Agri.
44. Sudham Baba Japkar
Age : 42 yrs. Occu. Agri.

45. Soma Pandharinath Japkar
Age : 30 yrs. Occu. Agri.
46. Sidhubai Bajirao Chattar
Age : 45 yrs. Occu. Agri.
47. Somnath Bajirao Chattar
Age : 29 yrs. Occu. Agri.
48. Sagar Balasaheb Japkar
Age : 24 yrs. Occu. Agri.
49. Somnath Sitaram Hole
Age : 44 yrs. Occu. Agri.
50. Swati Sham Gadak
Age : 26 yrs. Occu. Agri.
51. Eknath Bhau Holkar
Age : 44 yrs. Occu. Agri.
52. Dyaneshwari Bandopanth Kondekar
Age : 42 yrs. Occu. Agri.
53. Dnyandeo Gangadhar Gadge
Age : 30 yrs. Occu. Agri.
54. Anil Rambhau Kondkar
Age : 32 yrs. Occu. Agri.
55. Adinath Maruti Holkar
Age : 31 yrs. Occu. Agri.
56. Pandurang Ramrao Kandekar
Age : 30 yrs. Occu. Agri.
57. Navnath Jabaji Holkar
Age : 31 yrs. Occu. Agri.

All above r/o. Nepti, Tq. Nagar,
Dist. Ahmednagar

PETITIONERS

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Co-operation Department,
Mantralaya, Mumbai-32
2. The State Co-operative Election
Authority, Maharashtra State,
Pune through its Secretary
3. The District Co-operative Election
Officer and District Deputy Registrar,
Co-operative Societies, Ahmednagar
4. Subhash Dattatraya Japkar,
Age : 32 years, Occu. Agri.,
R/o Nepti, Tq. Nagar,
District Ahmednagar

RESPONDENTS

Mr. Niteen V. Gaware, Advocate for the Petitioners
Mr. M.M. Nerlikar, A.G.P. for respondent No.1/State
Mr. S.K. Kadam, Advocate for respondent Nos. 2 and 3
Mr. A.S. More, Advocate for respondent No. 4

**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 22nd December, 2016

ORAL JUDGMENT (PER : R.M. BORDE, J.) :

Heard.

2. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final hearing and disposal at the admission stage.

3. The grievance raised by the petitioners in the instant petition is in respect of deletion of their names from the final voters list, on consideration of the objections raised by respondent No. 4 – complainant, without extending any opportunity of hearing to the petitioners.

4. It is not a matter of dispute that before passing the order impugned in this petition, directing deletion of the names of the petitioners, they have not been extended opportunity of hearing. Sub-Rule (3) of Rule 8 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 provides that the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer shall, or as directed by the SCEA, after making such inquiries, as deemed necessary in this behalf, consider each claim or objection and give his decision thereon in writing to the persons concerned within ten days from the last date prescribed for receiving the claims and objections. Thereafter, final voters list should be published within a period of fifteen days from the last date, prescribed for receiving the claims and objections. The term

`after making such an enquiry as deemed necessary' thus impliedly indicates observance of principles of natural justice. The names of about 57 voters i.e. the present petitioners were enlisted in the preliminary voters list and they did not have any notice in respect of objections of the objectors and their names are deleted without extending an opportunity of hearing. In this view of the matter, the grievance raised by the petitioners in the instant petition deserves to be considered.

5. The order dated 16th December, 2016, impugned in this petition, passed by respondent No. 3 - the District Co-operative Election Officer, directing deletion of names of the petitioners from the final voters list, deserves to be quashed and set aside and it is accordingly quashed and set aside.

6. Respondent No.3 is directed to extend an opportunity of hearing to both the parties and consider the objections and pass reasoned order on consideration of contentions of both the parties. The petitioners assure to cause appearance before respondent No. 3 on 29th December, 2016 and as such, no notice requiring

their presence before the concerned Authority shall be necessary. Respondent No.3 shall take appropriate decision in the matter within a period of one week from the date of appearance of the petitioners. It would be open to respondent No.3 to take further steps for continuation of process of election in accordance with the provisions of relevant Rules after taking decision on the objections in accordance with the directives issued in the instant order.

7. Rule is made absolute in the above terms. The Writ Petition stands disposed of.

[SANGITRAO S. PATIL]
JUDGE

[R.M. BORDE]
JUDGE

npj/wp12662-2016