

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.8088 OF 2016

Shri. Hindurao Govind Rajigare and others .. Petitioners

Versus

Taluka Co-operative Election Officer

@ Assistant Registrar, Co-operative

Societies (Dairy), Kolhapur and others .. Respondents

Mr. Prashant Bhavake, for the Petitioners.

Mrs. M. S. Bane, "B" Panel Counsel for the Respondent No.1.

Mr. G. N. Salunke, for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 22nd MARCH 2016

PC.

1. The order dated 10.03.2016 passed by the Election Officer, Shri Ram Sahakari Doodh Vyavsaik Sanstha Maryadit, Chuye, Taluka Karvir, District Kolhapur, is taken exception to by way of the above Petition.

2. By the said order, the objection of the Petitioners to the provisional list of voters in respect of their non-inclusion came to be rejected. The said rejection is on the ground that the Petitioners names have been removed as members of the society pursuant to the resolution dated 07.09.2011 passed by the Respondent No.3 society. In the said

letter, it has been referred that the said resolution was in the teeth of the order O.No.2743 dated 02.09.2011 passed by the Assistant Registrar, Co-operative Societies, Kolhapur. By which order, the Assistant Registrar had referred to the decision dated 02.04.1993 and the conditions mentioned therein. It is also mentioned in the said letter dated 02.09.2011 that in terms of the order dated 11.04.1997 passed by the Hon'ble Minister of State (Dairy Development), the Petitioners had to resign and settle their account with the Respondent No.3 society. That having not been done by the Petitioners, the Respondent No.3 it seems was perforce required to pass a resolution removing the names of the Petitioners as members of the Respondent No.3 society. In my view, it is not possible to interdict in the writ jurisdiction of this Court in the matter of non-inclusion of the names of the Petitioners in the provisional list of voters as various disputed questions of fact arise. The Writ Petition is accordingly dismissed.

3. The election programme having been commenced, it would be open for the Petitioners to adopt appropriate proceedings either to challenge the resolution dated 07.09.2011 passed by the Respondent No.3 society or take appropriate recourse against their non-inclusion after the elections are over.

[R.M. SAVANT, J]