

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4786 OF 2016

New Seagull Premises Co-operative Housing
Society Limited

.. Petitioner

Versus

Rajiv Ashok Mehra and others

.. Respondents

WITH

WRIT PETITION NO.4789 OF 2016

New Seagull Premises Co-operative Housing
Society Limited

.. Petitioner

Versus

Kavita Girish Sippy and others

.. Respondents

WITH

WRIT PETITION NO.4791 OF 2016

New Seagull Premises Co-operative Housing
Society Limited

.. Petitioner

Versus

Sandeep Gajraj Mehta and others

.. Respondents

Mr. Dharam Jumanani a/w Mr. Saroj Iyer, Mr. Manal Dhanani i/by
Ganesh & Co., for the Petitioner in all Petitions.

Mr. Vishal Kanade i/by Mr. J. R. Vyas & Mr. Nitesh Mishra, for the
Respondent No.1.

Mr. A. A. Mane, Respondent No.4 present.

CORAM : R.M. SAVANT, J.

DATE : 21st APRIL 2016

PC.

1. The writ jurisdiction of this Court is invoked against the orders dated 12.04.2016 passed by the Divisional Co-operative Election Officer and Deputy Registrar, Co-operative Societies H/West Ward, Mumbai, by which order, the Election Officer has set aside the order dated 30.03.2016 passed by the Returning Officer. The Returning Officer had rejected the nominations filed by each of the Respondent No.1 in the above Petitions for the reasons mentioned in the said order dated 30.03.2016. The Election Officer exercising power under Section 152A of the Maharashtra Co-operative Societies Act, 1960, has deemed it appropriate to allow the Appeals on the ground that the defects if any found by the Returning Officer were not of a substantial nature so as to oust the Respondent No.1 in each of the above Petitions from contesting the elections to the Petitioner society. It is required to be noted that the election programme is at the stage where only voting is to be done on 23.04.2016 i.e. day after.

2. In my view, therefore, having regard to the stage at which the election programme is at present, interdiction in the writ jurisdiction of this Court under Article 227 of the Constitution of India is not warranted. The Writ Petitions are accordingly dismissed. However, it would be open for the Petitioner to adopt appropriate proceedings in the event any of the

(903)-WP-4786-16 & group matters.doc

Respondents in each of the above Petitions is elected as a member of the managing committee. Needless to state that if any such proceedings are filed, the same would be tried on their own merits and in accordance with law.

[R.M. SAVANT, J]