

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13010 OF 2016

Amit Hari Naik and others

..Petitioners

Versus

**Shri. Harhar Mahadev V.K.S.
(Vikas) Seva Sanstha Maryadeet
Satarde, Taluka Panhala,
District Kolhapur and others**

..Respondents

Mr. P D. Dalvi for the Petitioners.

Mr. A. B. Borkar i/by Mr. P. S. Bhavake for the Respondent No.1.

Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.2 & 3.

CORAM : R. M. SAVANT, J.

DATE : 14th DECEMBER, 2016

PC.

1 The writ jurisdiction of this Court is invoked against the order dated 07.11.2016 passed by the District Co-operative Election Authority and also the District Deputy Registrar of Co-operative Societies, Kolhapur. By the said order, the Petitioners' objection to the non-inclusion of their names in the Provisional Voters List has been rejected.

2 The said rejection is principally on the ground that the order dated 26.10.2016 passed by the Co-operative Court, Kolhapur in the dispute filed by the Petitioners being Dispute No.131 of 2016, the said order has been stayed by the Co-operative Appellate Court till the next date i.e. 11.11.2016. The dispute in question which was filed by the

Petitioners herein has been withdrawn by them on 28.11.2016. In view of the withdrawal of the dispute, the Appeal filed by the Respondent No.1 herein has also turned infructuous and resultantly, the order passed in the Appeal is rendered ineffective (It seems that the Appeal has been decided by the Co-operative Appellate Court after the withdrawal of the dispute). Be that as it may, since the foundation of the impugned order dated 07.11.2016 passed by the District Co-operative Election Authority no more exists, it would be necessary to direct the District Co-operative Election Authority to hear and decide the objection of the Petitioners in terms of the mandate of Rule 8(1) of the Maharashtra Co-operative Election Rules, 2014.

3 Needless to state that the said objection would be decided on its own merits and in accordance with law uninfluenced by the direction as contained in the instant order as also uninfluenced by the order dated 13.11.2016 passed in the above Writ Petition. Since the matter is kept tomorrow by the District Co-operative Election Authority, the parties may remain present before the said Authority tomorrow. The District Co-operative Election Authority may thereafter decide the objections as per it's convenience.

[R.M.SAVANT, J]