

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13541 OF 2016**

**Limb Vividh Karyakari Sahakari Society Ltd
Vs.**

..Petitioner

**District Co-operative Election Officer
@ District Deputy Registrar Co-operative
Society & Ors**

..Respondents

Mr. S. S. Koregave for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent Nos.1 to 3

CORAM : R. M. SAVANT, J.

DATE : 7th DECEMBER, 2016

P.C.

1 The Order dated 2-12-2015 passed by the District Co-operative Election Officer and the District Deputy Registrar Co-operative Societies, Satara, is taken exception to by way of the above Petition. By the said order, the Petitioner society has been directed to include the names of the Respondent Nos.4 to 80 in the final voters list for the elections to be held to the Petitioner society. The said order has its basis in the order dated 15-10-2015 passed by the Assistant Registrar Co-operative Societies who had directed the Petitioner society to include the name of the said 82 members to distribute the dividend to them on the shares held by them and to deposit the amounts towards the shares held by the said 82 members, amongst whom are the Respondent Nos. 4 to 80. The Petitioner society however was granted the liberty to follow the procedure if it was desirous of removing the said 82

members as members of the society. The Petitioner had challenged the said order dated 15-10-2015 by way of a Writ Petition in this court being Writ Petition No.12161 of 2015. The said Writ Petition had come up before this Court on 5-12-2016 when on account of the alternate remedy available under the said Act against an order passed under Section 79, the said Writ Petition was not entertained and by relegating the Petitioner to the said remedy, the said Writ Petition was disposed of. Since the impugned order in the present Petition is based on the said order dated 15-10-2015, unless the said order is set aside or modified, no relief can be granted to the Petitioner in the instant Petition. It would be contingent upon the order passed in the proceedings filed for challenging the said order dated 15-10-2015 that the Petitioner would be entitled to reliefs. Hence no case for interference is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]