

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4885/2016

(Shri Prabhakar s/o Nilkanth Pande vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. S.V. Sohoni, Advocate for the petitioner
Ms. N.P. Mehta, Assistant Government Pleader for
Respondent nos. 1 to 3 & 5.

CORAM : B.R. GAVAI &
V.M. DESHPANDE, JJ
DATED : 7th September, 2016

Heard.

The petitioner has impugned the communications dated 1st February, 2016 and 24th June, 2016 addressed by the respondent no.3.

Vide the said communications, the petitioner has been informed that the demand made by some members of the respondent no.4 that in the elections which are scheduled to be held in 2016, only active members should be participated to vote, was incorrect. The respondent no.3 has informed vide the said communication that in view of the last proviso to Section 26 of Maharashtra Cooperative Societies Act, 1960 all members who are otherwise held to be eligible, shall be eligible for voting rights.

Shri S.V. Sohoni, the learned counsel appearing on behalf of the petitioner submits that the word 'immediately' used in the proviso would not support the interpretation as pressed by the respondent no.3. He submits that the word 'immediate' would postulate an immediate action. He submits

that since the amendment is in the year 2013, the word 'immediate' cannot be construed to permit the present election to be held as per the proviso.

One of the meanings given to the word 'immediate' in Black's Law Dictionary is of having a direct impact; without an intervening agency. It is not in dispute that after the 2013 amendment, the elections to the Committee of the respondent no.4 have not been held, whereas the elections scheduled in 2016 is the first election that is being conducted after 2013 amendment. It could thus be seen that between an amendment and the present election, there is no intervening election.

In that view of the matter, the interpretation as pressed by the respondents cannot be said to be erroneous. The Petition is without merit and, as such, dismissed.

JUDGE

JUDGE

sahare

C E R T I F I C A T E

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

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