

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4739 of 2016
(Durgadas s/o Lashkar Rathod and 176 others v. Returning Officer-cum-
Assistant Registrar, Co-operative Societies, Digras, Dist. Yavatmal, and
another)

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court's or Judge's orders
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Shri A.M. Ghare, Advocate for Petitioners.
Ms Hemlata Jaipurkar, AGP for Respondent No.1.
Ms Gayatri M. Reve, Advocate for Respondent No.2.

Coram : R.K. Deshpande, J.
Date : 25th August, 2016

The grievance of the petitioners, who are 177 in number, is about the non-inclusion of their names in the final voters' list published on 28-7-2016 for the elections of Digras Block Agriculturists Co-operative Ginning and Pressing Society Ltd., Digras. According to the petitioners, they had paid the amount of Rs.101/- each for purchase of share certificate to the then Manager of the Society during the period from 31-8-2007 to 30-9-2007, and they were permitted to vote in the last elections of the Society held in the year 2007. However, in the provisional voters' list published on 21-7-2016, their names were not included and hence they raised an objection, which was rejected on 21-7-2016. Hence, this petition.

Initially, when this Court issued the notices to the respondents on 18-8-2016, the respondent No.1 was permitted to file an affidavit to state as to whether the petitioners were permitted to vote in the elections held in the year 2007, and also to state the reasons for not including their names in the voters' list in the elections in question. The respondents have filed an affidavit stating that all these petitioners were wrongly permitted to vote in the elections in the year 2007. According to the stand taken by the respondents, the amount of share certificate was received by the then Manager one Shri Jadhav, who misappropriated it and the proceedings for recovery are pending against him. It is the specific stand taken by the respondents that the requirement of becoming a member of the Society has not been fulfilled by any of the petitioners. None of them have submitted any application for enrollment of their names as the member of the Society. There is no resolution passed by the Society accepting the petitioners as member of the Society subject to the payment for purchase of share certificate. It is not the case of the petitioners that they have actually tendered the application for their enrollment as member of the Society. Merely because they have paid the amount of Rs.101/- each for purchase of share certificate to the then Manager of the Society, who had misappropriated the said amount, would not entitle them to get their names included in the voters' list.

No interference is called for. The petition is dismissed.

Judge.

Lanjewar

CERTIFICATE

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

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