

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

Civil Application (CAW) No.2492 of 2016

In

Writ Petition No.6220 of 2016

(Rajendra Hiralal Jian R/o Gondia, and another v. State of Maharashtra,
and others)

[Applicant-Intervenor : Gondia Jilha Nagari/Gramin Bigar va Karmachari
Sahakari Patsansthancha Sangh Maryadit, through its President Shri
Subhash s/o Gorao Aakre]

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

Shri A.M. Ghare, Advocate for Petitioner.

Ms N.P. Mehta, Assistant Government Pleader for Respondent
Nos.1 and 2.

Shri R.M. Bhangde, Advocate for Applicant-Intervenor.

Coram : R.K. Deshpande, J.

Date : 21st December, 2016

It is not understood as to what status the applicant has got to intervene in the matter. The learned counsel for the applicant was put a specific question as to when the applicant became the member of the petitioner No.2-Society. He is unable to point out the date of his enrollment as member, in the application. He submits that only the persons enrolled as individual members prior to 1960 are entitled to vote. Hence, the date of the applicant's enrollment as member is relevant. He further submits that the grandfather of the applicant was the individual member

having been enrolled as such prior to 1960. However, such statement is missing in the application for intervention.

By way of this application, it is urged that the dispute regarding membership raised by the applicant is pending for adjudication before the revisional authority under Section 154 of the Maharashtra Co-operative Societies Act, 1960, and in such event, passing of an order by this Court on 7-12-2016 affects the rights of the applicant, as the Government is likely to act upon such order and declare the election programme. It is not in dispute that on 19-12-2016, the programme for election has been published.

The present application seems to be a frivolous one, filed only to create an impediment in holding of the elections. If the argument of Shri Bhangde that the individual members enrolled prior to 1960 are only entitled to vote in the elections, then in the absence of the averment that the applicant was enrolled prior to 1960 as a member, his locus is not established. If he is enrolled after 1960, then his name cannot be included in the voters' list and he sails in the same boat of 94 members enrolled after 1960.

Shri Bhangde submits that the applicant has no objection to allow the present petition to restore the body superseded by

appointment of an Administrator under Section 77A of the Maharashtra Co-operative Societies Act, 1960. If he is a member duly enrolled of the petitioner No.2-Society, then he should be interested in the elections immediately after the expiry of the term of the office of Board of Directors, which came to an end on 18-9-2016. Shri Bhangde submits that he has no objection for setting aside an order of appointment of an Administrator and restoring the Board of Directors holding the position prior to the expiry of the term. The averments in the application show that a fraud is alleged against the petitioner in filing the petition challenging the appointment of an Administrator.

In view of above, the application is nothing but an attempt to stall the process of election by raising inconsistent pleas, which are not at all substantiated. The applicant has failed to establish his locus to intervene in the matter.

The application is, therefore, dismissed.

Judge.