

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7174 OF 2016

Gulabrao s/o. Apparao Magar .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Mr.V.P. Kadam, Advocate for the petitioner.
Mr.C.S. Kulkarni, AGP for respondent/State.
Mr.S.K. Kadam, Advocate for respondent Nos. 2 & 5.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 30.11.2017

P.C. :-

1. Mr.V.P. Kadam, learned advocate for the petitioner submits that the cut-off date fixed by the State Co-operative Election Authority as 03.03.2016 is erroneous. The petitioner has raised objection to the said cut-off date. The objection is rejected without considering the provisions of section 27(3) of the Maharashtra Co-operative Societies Act. The three years period ought to have been completed from the date of investment of funds for the member society to be eligible to vote. Learned Advocate relies on the judgment of the Division Bench of this Court in the case of Dhule Gramin Vikas Bhajipala Phal Phalawal Va Phule Kharedi Vikri Sahakari Sanstha, Dhule & Ors. Vs. State of Maharashtra & Ors., reported in 2008(1) Mh.L.J.171.

2. Mr. S.K. Kadam, learned advocate for respondent Nos.2 to 5 submits that the member societies do not invest fund in the shares of the respondent society, but they only make payment of the yearly subscription and as such the judgment relied upon by the learned advocate for the petitioner does not apply.

3. We have considered the submissions. Specific averment is made by the respondent that respondent No.3 - society does not raise its capital by means of share capital. The question of investment of member Society fund in the shares of the federal society, does not arise. Naturally the provisions of section 27(3) of the Maharashtra Co-operative Societies Act do not apply to respondent No.3. The petitioner is not in a position to dispute the said proposition. Considering the above, there is no merit in the contention.

4. The writ petition is disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]