

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1192 OF 2016

1. Kapila Sahakari Dudh Utpadak,
Vyavasavik Saunstha Limited,
Curti, Ponda, Goa
Represented herein by
Shri Madhav A. Sahakari,
68 years, son of Atmaram Sahakari,
r/o. H. No. 47/1, Curti,
Ponda – Goa.
2. Shri Madhav A. Sahakari,
68 years of age,
Son of Atmaram Sahakari,
r/o. H. No. 47/1, Curti,
Ponda-Goa. ... Petitioners

V e r s u s

1. The Asst. Election Officer &
Asst. Registrar of
Co-op Societies (Elections),
North Goa District,
Panjim, Goa.
2. Shri Ramesh S. Naik,
Major of age,
Resident of H. No. 850,
Batora, Curtorim,
Salcete, Goal
3. The Managing Director,
The Goa State Co-op Milk Producers Union Ltd.
Curti, Ponda, Goa. ... Respondents

Mr. A. F. Diniz, Mr. A. D. Bhohe and Ms. S. Bhohe, Advocates for the Petitioners.

Mr. S. D. Lotlikar, Advocate General with Mr. Deep Shirodkar, Addl. Government Advocate for the Respondent nos. 1 and 3.

Mr. D. Pangam, Advocate for the Respondent no. 2.

Coram :- **F. M. REIS,**
NUTAN D. SARDESSAI, JJ.
Date : **10th January, 2017**

ORAL JUDGMENT

Heard Mr. A. F. Diniz, learned Counsel appearing for the Petitioners, Mr. S D. Lotlikar, learned Advocate General appearing for the Respondent nos. 1 to 3 and Mr. Pangam, learned Counsel appearing for the Respondent no. 2.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondents, waive service.

3. The challenge in the above Petition is to the Order dated 21.12.2016 passed by the Assistant Registrar thereby deleting the name of the Petitioner no. 2 from the Voter's list of the Petitioner no. 1 as well as a representative of the Petitioner no. 1.

4. During the course of the hearing of the above Petition, it is not disputed that the basis of the said Order by the Assistant Registrar disqualifying the Petitioner no. 2 from the Voters list of the Society named as Bagayatdar, was the Order under challenge in the Writ Petition no. 524 of 2016 which has been disposed of today i.e. 10.01.2017. Whilst disposing of

the said Writ Petition, the Order of disqualification of the Petitioner no. 2 stands quashed and set aside by consent. In such circumstances, the Order passed by the learned Registrar under challenge in the present Petition dated 21.12.2016, no longer survives.

5. Mr. Pangam, learned Counsel appearing for the Respondent no. 2, however pointed out that directions be issued for fresh show cause notice to the Petitioner no. 2 expeditiously.

6. Considering the nature of the dispute therein, it would not be appropriate to issue such directions in the present Petition. Hence, Rule is accordingly made absolute in terms of prayer clause (a) and (b).

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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