

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.3198 OF 2017

Rajendra Laxman Gund : Petitioner.
Versus
District Co-operative Election Officer
and Deputy District Registrar of
Co-operative Society, Solapur and ors. : Respondents.

Mr. G S Godbole i/by Ms. Shivani S Samel for the Petitioner.
Mr. S H Kankal, AGP for the Respondent No.1.
Mr. S S Inamdar for the Respondent No.2.

CORAM : R. M. SAVANT, J.
DATE : 07th February 2017

P.C.

1 The order dated 25/01/2017 passed by the District Co-operative Election Officer and District Deputy Registrar of Co-operative Society, Solapur partly allowing the objection raised by the Petitioner to the extent of deleting the names of some of the persons from the provisional voters list is taken exception to by way of the above Petition.

2 The Petitioner has objected to the inclusion of the names of about 152 persons in the said provisional voters list. The names of the said 152 persons were appearing in Annexures A, B and C. In so far as Annexure-A is concerned, the objection was in respect of the persons listed from 1 to 41 and in so far as Annexure B is concerned, the objection was in respect of the

persons listed from 1 to 75 and in so far as Annexure C is concerned, the objection was in respect of the persons listed from 1 to 36. The said objections were raised on the basis of Bye-law No.6(3) of the Bye-laws of the Respondent No.2. The said Bye-law postulates that to become a member of the society, a person has to own land measuring 10 Ares within the area mentioned in Bye-law No.1(3) and that he has to annex the 7x12 extract to his application. The said Bye-law 6(3) has come into force on 11/03/2016. Prior thereto the provision in the Bye-laws was to the effect that the person ought to be residing within the radius of 5 kms of the Respondent No.2 Society.

3 The District Co-operative Election Officer having regard to the Bye-law as was existing prior to 11/03/2016 held that the names of the persons mentioned in lists A and B had become members on the application of the Bye-laws as were prevailing prior to the instant Bye-laws coming to force. In so far as the names of the persons comprised in Annexure-C i.e. the members listed from 1 to 36 are concerned, the the District Co-operative Election Officer held that they do not fulfill the criteria mentioned in the earlier Bye-laws and they therefore ought to be deleted. It was the submission of the learned counsel for the Petitioner that the objection to the voters list ought to have been considered on the touchstone of the present Bye-law which has come into force on 11/03/2016.

4 In my view, it is not possible to accept the contention raised by the learned counsel for the Petitioner as the persons who have not been deleted have become members when the earlier Bye-laws were in force and they cannot be removed as Members on the application of new Bye-laws. In my view, therefore no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. However, if any proceedings are filed by the Petitioner to dis-member the said 116 members on the touchstone of the present Bye-laws, the said proceedings would be tried on their own merits and in accordance with law.

[R.M.SAVANT, J]