

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

WRIT PETITION NO. 3328 OF 2020

PRAMOD ONKAR BORSE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioner : Shri S. B. Sontakke
AGP for Respondent No. 1 : Shri S. W. Munde
Advocate for Respondent No. 2 : Shri S. K. Kadam

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th FEBRUARY, 2020

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PER COURT :

1. Leave to correct the description of Respondent No.2. Correction be carried out forthwith.

2. The Petitioner is aggrieved by the impugned order dated 20/02/2020 passed by the District Co-operative Election Officer cum District Deputy Registrar, Co-operative Societies, Dhule, by which, his name is not included in the valid voters' list for the elections that are now scheduled.

3. I have considered the strenuous submissions of

the learned Advocates for the Petitioner and Respondent No.2 and the learned AGP on behalf of Respondent No.1.

4. The competent authority published a time schedule on 04/01/2020 under Rules 6 and 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules 2014. The provisional voters' list was published on 06/01/2020. Objections to the inclusion and non inclusion of voters were invited between 06/01/2020 to 15/01/2020. Hearing on all the objections was posted at 11.30 a.m. on 20/01/2020. The decision was to be announced on 25/01/2020.

5. The name of the Petitioner was not included in the provisional voters' list as he was a defaulter in relation to the loans that he had taken. After the hearing was concluded on 21/01/2020, the decision was announced on 25/01/2020 declaring that the Petitioner's name cannot be included in the final voters' list as he is a defaulter. Contention is that on

28/01/2020 the Petitioner paid the unpaid installments and therefore, got himself cleared as a defaulter. It is, therefore, submitted that though the Petitioner was a defaulter on 25/01/2020, after the hearing of the matter was concluded and the decision date 25/01/2020 had expired, he had repaid the loan amount.

6. The learned Advocate appearing on behalf of Respondent No. 2 submits that the intent and object of publishing the programme is to ensure that the voters get about 10 days to raise objections as regards inclusion or exclusion of the voters. The Hearing was posted after 5 days and thereafter the decision was taken on 25/01/2020. The Petitioner had every opportunity of curing the defect. He chose not to do so. After the entire procedure is completed, if such petitions are allowed, there would be no sanctity to the time frame within which the programme is to be concluded. It would be a chaotic situation.

7. In view of the above, I find that as the Petitioner

did not take remedial steps to repay the loans prior to the date of the hearing on objections or even on the date of hearing, clearing payment of loan installments after the time frame granted in the programme is concluded, cannot be a ground for insertion of the name of the Petitioner in the valid voters list.

8. In view of the above, this petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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