

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

988 WRIT PETITION NO. 2936 OF 2021

MAKRAND SHETKARI SAMUH KRUSHI SAHITYA
PURVATHA VA DHANYA GODAM SAHAKARI SANSTHA
MARYADIT AND ANOTHER
VERSUS
THE DIVISIONAL JOINT REGISTRAR AURANGABAD /
DISTRICT CO-OPERATIVE ELECTION OFFICER, PARBHANI
AND OTHERS

.....

Advocate for Petitioners : Mr. Bachate Pralhad D.
Advocate for Respondent Nos. 1 & 2 : Mr. S. K. Kadam
AGP for Respondent No.3 : Mr. S. P. Deshmukh
Advocate for Respondent No.4 : Mr. Umesh Gite h/f
Mr. M. S. Deshmukh

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CORAM : V. K. JADHAV, J.
DATED : 12TH FEBRUARY, 2021

PER COURT :-

1. By way of this Writ Petition, the petitioners are seeking directions to include the names of delegates of petitioner societies in the final voter list for the elections of respondent no.4 Bank.

2. Learned counsel for the petitioners submits that the petitioners are the co-operative societies registered under the Maharashtra Co-operative Societies Act, 1960 (for short, "Act
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of 1960"). The petitioner societies applied for membership of respondent no.4 Bank on 18.07.2014 and also invested in the share capital of respondent no.4 Bank on the same date. Learned counsel submits that accordingly, respondent no.4 Bank has granted membership in favour of the petitioner societies on 20.05.2017.

3. Learned counsel for the petitioners submits that in view of the resolution passed on 02.06.2020, the petitioner societies filed application on 27.02.2020 and requested the respondent authorities to include the names of the delegates of the petitioner societies in the provisional voter list for the election of respondent no.4 Bank. The provisional voter list was published on 16.03.2020 in which the names of the petitioner societies are not included. The petitioner societies therefore filed applications dated 19.03.2020 before respondent no.1 Election Officer requesting him to include names of their delegates in the final voter list.

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4. Learned counsel for the petitioners further submits that due to the outbreak of Covid-19, the election program of respondent no.4 Bank was postponed. As per the order passed by the State Co-operative Election Authority dated 30.12.2020, respondent no.1 published the election program from the stage it was stopped and invited objections for the provisional list. As the petitioner societies have already filed the applications on 19.03.2020, the petitioners have not filed fresh applications.

5. Learned counsel for the petitioners submits that the petitioner societies have invested part of their funds in the share capital of respondent no.4 Bank on 18.07.2014 and as such the petitioner societies have completed three years and the petitioner societies are entitled to be included in the final voter list of respondent no.4 Bank. However, respondent no.1 has not decided the objection raised by the petitioner societies and the petitioner societies, left with no alternative, have filed the present Writ Petition.

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6. Learned counsel for the petitioners further submits that respondent no.1 ought to have decided the objection raised by the petitioners and ought to have included the names of delegates in the final voter list.

7. Learned counsel Mr. S. K. Kadam, appearing for respondent nos. 1 and 2 submits that the petitioner societies have not submitted fresh objections in view of the fresh election programme after the lock-down. Learned counsel submits that thus, the Writ Petition is liable to be dismissed.

8. I have also heard the learned AGP for the respondent-State and the learned counsel for respondent no.4 Bank.

9. It appears that the petitioner societies have not raised any objection to the provisional voter list after declaration of the new election program. In view of the same, I do not find any substance in the Writ Petition. The Writ Petition is accordingly dismissed.

(V. K. JADHAV, J.)

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