

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

957 WRIT PETITION NO.3695 OF 2021

AMBEKAR NAGAR SAHAKARI GRUH NIRMAN SANSTHA LTD THR
ITS SECRETARY, RAGHUNATH BHAGAJI KADAM
..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. G. Choudhari, Advocate for the Petitioner.
Mr. P. S. Patil, AGP for Respondents-State.
Mr. V. H. Dighe, Advocate for Respondent Nos.2 and
3.
Mr. K. J. Suryawanshi, Advocate for Respondent
No.4.

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 24th FEBRUARY, 2021.

PER COURT:-

1. At the request of learned counsel for the petitioner leave to correct respondent no.3.

2. Rule. Rule made returnable forthwith. With consent of the parties, matter is taken up for hearing at admission stage.

3. Mr. Choudhari, learned counsel for the petitioner submits that the petitioner had submitted the name of the delegatee by passing Resolution on 31.12.2019. The Resolution was passed on 29.12.2019. The same was also inwarded

in the office of respondent no.3 on 01.01.2020, still the name of the petitioner is not appearing in the valid voters list. The impugned order is passed on the ground that within the stipulated period the Resolution is not received. The last date for submitting the Resolution was 31.01.2020. The report submitted by the Taluka Co-operative Election Officer cum Deputy Registrar Co-operative Society to the District Co-operative Election Officer on 19.01.2021 also states that the Resolution passed by the petitioner nominating the delegatee was received on 31.12.2019 and 01.01.2020 the same was inwards. The Assistant Officer did not scrutinize the same within the time and as such the name of the petitioner is not included.

4. We have also heard learned A.G.P. for respondent no.1, Mr. Dighe, learned counsel for respondent nos.2 and 3 and Mr. Suryawanshi, learned counsel for respondent no.4.

5. The aforesaid facts narrated by the learned counsel for the petitioner are not disputed. The same also appears to be the matter of record. The petitioner cannot be faulted with. The petitioner had submitted the Resolution nominating the delegatee for the election of Federal Society (respondent no.4) within the stipulated period. The fault lies with the office of respondent no.3.

6. In light of the above, the impugned order is quashed and set aside. The respondent shall include the name of the delegatee of the petitioner as per the Resolution forwarded by it in the final voters list as per Rules.

7. Rule is accordingly made absolute in above terms. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE