

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
958 WRIT PETITION NO.3696 OF 2021**

RUNJ VIVIDH KARAYAKARI SEVA SAHAKARI SANSTHA LTD
THR ITS AUTHORISED REPRESENTATIVE/DELEGATE
..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Shahaji B. Ghatol Patil, Advocate for the
Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. K. J. Suryawanshi, Advocate for Respondent
No.6.

...

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

DATED : 24th FEBRUARY, 2021.

PER COURT:-

1. Mr. Ghatol Patil, learned counsel submits that the petitioner-Society has passed Resolution on 20.01.2021 and submitted the same on 27.01.2020 to respondent no.3. The last date for submitting the Resolution was 31.01.2020. The petitioner had submitted the said Resolution within time. However, it was the fault of respondent no.3 in not including the name of the petitioner in the voters list.

2. The learned counsel submits that the respondent no.3 had forwarded it to respondent no.4 but on 28.02.2020 that is after the stipulated time. The petitioner is not at fault.

3. Mr. Kadam, learned counsel for respondent nos.4 and 5 submits that the election programme has been declared. The nomination papers are accepted from 23.02.2021.

4. Mr. Suraywanshi, learned counsel appears for respondent no.6. The learned A.G.P. appears for respondent nos.1 to 3.

5. The aforesaid factual matrix narrated by learned counsel for the petitioner is not disputed by any of the parties.

6. It is the matter of record that within stipulated period the petitioner had passed Resolution nominating its delegatee for election of respondent no.6 Federal Societies. The fault appears to be with the office of respondent no.3 not forwarding the same to respondent no.4 within stipulated period.

7. As the election programme has been declared, we are not inclined to interfere with the election programme and give rights to the petitioner for contesting the election. However, considering that the petitioner is not at fault and had submitted Resolution nominating the delegatee within time and the fault lies with the office of respondent no.3 without disturbing the election programme, we intend to give voting rights to the petitioner.

8. The name of the petitioner as suggested in the Resolution forwarded by the petitioner shall be included in the voters list as per Rules.

9. It is made clear that, the same would be limited to the extend of voting rights and not for contesting the election.

10. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE