

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1972 OF 2021

Abaji s/o Kisan Patil

...Petitioner

versus

The State Co-operative Election Authority
Maharashtra State, Pune and others

...Respondents

.....
Mr. K. J. Suryawanshi, advocate for the petitioner
Mr. V.H. Dighe, advocate for respondent Nos. 1 and 2
Mr. S.B. Pulkundwar, A.G.P. for respondent Nos.3 and 4
Mr. D.J. Choudhari, advocate for respondent No. 5
Mr. L. H. Kawale, advocate for respondent No.6
Mr. C.V. Thombre, advocate for respondent Nos. 7 and 8
.....

CORAM : V. K. JADHAV, J.
DATED: 11th FEBRUARY, 2021

PER COURT :-

1. By consent, heard finally at admission stage.
2. By this petition, the petitioner is challenging the order dated 18.03.2020 passed by respondent No.2 thereby allowing the objection raised by respondent No.8.
3. Learned counsel for the petitioner submits that in terms of the notification dated 18.12.2019 issued by respondent No.2, the resolutions of the member societies to nominate their representatives were called. The resolutions were to be submitted on or before 16.1.2020, however, under the orders of the State Government so

also in terms of interim order of this Court, the said dates are rescheduled and in terms of the new programme published on 29.2.2020 the provisional voters list was to be published on 29.2.2020 and the objections on the said list were to be raised on 9.3.2020.

4. Learned counsel for the petitioner submits that the respondent No.4 authority has appointed authorized officer on respondent No.6 society, however, the said authorised officer has not called special meeting of the society till 12.2.2020. Learned counsel submits that the authorised officer is competent person to call the special meeting of the society. Learned counsel submits that respondent Nos. 7 and 8 have prepared false and bogus documents to show that the special general body meeting of the society was called on 29.1.2020 by issuing notice dated 21.1.2020. Learned counsel submits that the notice dated 21.1.2020 is signed by respondent No.8 as Chairman of the society in the meeting, though he was not appointed Chairman of any meeting and the said meeting was conducted under his Chairmanship and his name was nominated as representative of the society to participate in the process of election of respondent No.5 bank. Learned counsel submits that in fact, no meeting was conducted to nominate the name of representative in terms of the provisions of Section 76 of the Maharashtra Co-operative Societies Act 1960. Respondent No.5 bank has prepared provisional voters list, in which the name of

respondent No.8 was not included. Thus, respondent No.8 has filed an objection on 9.3.2020 requesting respondent No.2 to include his name in the voters list alleging that the Secretary of the society had called special general body meeting on 29.1.2020 by issuing notice dated 21.1.2020 and in the said meeting his name has been nominated as representative of respondent No.6 society. Respondent No.2 has allowed the said objection of respondent No.8 by order dated 18.3.2020.

5. I have heard Mr. Dighe, learned counsel for respondent Nos. 1 and 2, who has supported the order passed by respondent No.2 Election Officer. I have also heard learned A.G.P. for the respondent Nos. 3 and 4 and learned counsel appearing for respondent Nos. 5 and 6.

6. Mr. C.V. Thombre, learned counsel for respondent No.8 submits that the special general body meeting was called by issuing notice signed by the Secretary and by the Chairman of the meeting. It appears that resolution No.2 in the meeting was unanimously passed by the general body meeting. Learned counsel for respondent No.8 submits that there is no substance in this writ petition and the writ petition is liable to be dismissed.

7. I have carefully perused the impugned order passed by the respondent No.2 Election Officer dated 18.3.2020. I have also

considered the submissions advanced by learned counsel for the respective parties. With their able assistance, I have perused the pleadings, grounds taken in the petition, annexures thereto and reply filed by the concerned respondents.

8. The respondent bank has submitted before the Election Officer that one Shri Bedre, Bank Inspector, was appointed administrator of the said society and the said administrator has not called the special general body meeting. In the instant case, though the special general body meeting was not called by the Administrator, however, the fact remains that in the special general body meeting, the name of respondent No.8 has been unanimously recommended as delegate of the society. In view of the same, I find no substance in this writ petition. The writ petition is thus liable to be dismissed. Hence, I proceed to pass the following order:

O R D E R

Writ petition is hereby dismissed.

(V. K. JADHAV, J.)

rlj/