

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 853 OF 2021

ALONGWITH

WRIT PETITION (ST) NO. 6136 OF 2021

**Chhatrapati Shivajiraje Sahakari Dudh
Vyavasayak Sanstha Maryadit, Bhuyevadi
Ta. Karveer, Dist. Kolhapur**

..... Petitioner

VERSUS

**Taluka Co-op. Election Officer
And Assistant Registrar Co-op. Societies
(Dudh), Kolhapur, & Ors.**

..... Respondents

Mr. Ruturaj P. Pawar for the Petitioners in both the Writ Petitions.

Mr. R.S.Pawar, A.G.P. for the Respondent State in Writ Petition No. 853 of 2021.

Mr.Surel S.Shah for the Respondent No.2 in Writ Petition No. 853 of 2021.

Mrs.Rupali M. Shinde, A.G.P. for the State in Writ Petition (St) No. 6136 of 2021.

Mr.Deelip Patil Bankar for the CSC, SCEA for the Respondent No.1 in Writ Petition No. 853 of 2021 and for the Respondent No.2 in Writ Petition (St) No. 6136 of 2021.

**CORAM: R. D. DHANUKA AND
V. G.BISHT, JJ.**

DATE : 25th MARCH, 2021

P.C. :-

By Writ Petition No.853 of 2021, the petitioner prays for quashing and setting aside the communication/order dated 29th January, 2020 passed by the respondent no.1 i.e. Taluka Co-operative Election

Officer and Assistant Registrar, Co-operative Societies informing the petitioner society that the resolution forwarded by the petitioner on 27th December, 2019 vide communication dated 29th January, 2020 could not be accepted since the same was submitted beyond the time prescribed in the programme for submitting such resolution on or before 22nd January, 2020.

2. Writ Petition (St) No. 6136 of 2021 is filed by the petitioner *inter alia* praying for quashing and setting aside the order dated 5th March, 2021 passed by the respondent no.3 i.e. the District Deputy Registrar, Co-operative Societies (Dairy), rejecting the objections filed by the petitioner to the provisional list of voters.

3. The main grievance of the petitioner in these two petitions are that under the Rule 10(3) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, the name of the representative along with a copy of the resolution of the annual general meeting could be sent to the District Co-operative Election Officer Taluka or Ward Co-operative Election Officer before finalizing of the publication of the provisional list of the voters, the District Co-operative Election Officer has wrongly rejected the resolution forwarded to him by the petitioner society after seven days of the last date mentioned in the programme.

4. The next submission of the learned counsel is that even after the last date for submitting the copy of the resolution, the authority had invited such resolution from eight other societies.

5. Learned counsel for the respondent nos. 1 to 3 on the other hand invited our attention to the grounds raised by the petitioner in Writ Petition No. 853 of 2021 stating that the managing committee had appointed Mr.Sambhaji Hambirao Khot to be its authorized representative to vote in the election of managing committee of the respondent no.2. A copy of the resolution was not forwarded to the authority deliberately by the managing committee of the society.

6. In paragraph (7) of the Writ Petition (ST) No.6136 of 2021, it is the grievance of the petitioner that with ulterior motives, a copy of the resolution dated 27th December, 2019 was not sent to the office of the respondent no.4 as the person of his choice was not appointed as authorized representative by the managing committee of the petitioner to vote in election of the managing committee of the respondent no.5. It is not the case of the petitioner that under Rule 10(3) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, the name of the voter along with a copy of the resolution could

be sent any time before publication of the voters list.

7. Be that as it may, Rule 10(3) has to be read with Rule 10(2) of the said Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. Though the copy of the resolution was forwarded to the authority was rejected as far back as on 29th January, 2020 on the ground that the same was not filed within the time prescribed in the programme, though the petitioner has filed earlier writ petition on 11th February, 2020, did not apply for any interim relief. The election officer has already finalized the procedural voters' list on 12th March, 2021. Merely because the election was postponed due to pandemic, the steps already taken on the basis of the original programme are not required to be followed once again by the election authority.

8. Both the writ petitions are devoid of merits and are accordingly dismissed. No order as to costs.

[V.G.BISHT, J.]

[R. D. DHANUKA, J.]