

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO.2057 OF 2021

MAHADEV BHANUDAS MUKKUTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

WITH
916 WRIT PETITION NO.2473 OF 2021

PRADEEP DINKARRAO GANGANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
917 WRIT PETITION NO.2479 OF 2021

BHANUDAS PANDURANG TONDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND OTHERS

WITH
WRIT PETITION NO.2436 OF 2021

MAHENDRA GOVINDRAO GARJE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.D.Bachate, Advocate for the petitioners.

Mr.P.K.Lakhotiya, AGP for respondent Nos.1, 2 and 5 in WP
No.2057/2021 and WP 2479/2021.

Mr.S.K.Kadam, Advocate for respondent Nos. 3 and 4.

Mrs.M.A.Deshpande, AGP for respondent Nos. 1, 2 and 5 in WP
No.2473/2021 and WP No.2436/2021.

(CORAM : RAVINDRA V. GHUGE AND
S.G. MEHARE, JJ.)

DATE : MARCH 3, 2022

PER COURT :

1. We have considered the submissions of the learned Advocate for the petitioners as well as the respondents. With their assistance, we have gone through the petition paper book and the order of a Co-ordinate Bench dated 18/11/2021 delivered in WP No.11669/2021 and connected matters and the order dated 04/10/2021 passed by us in WP No.5267/2020 and connected matters.

2. The petitioners are eager to have elections. They, however, concede that because of Covid-19 pandemic, the terms of the elected bodies were continued, the elections were postponed and on several occasions, administrators were appointed. Now that there are no Covid-19 restrictions, the petitioners pray that the elections be held.

3. We are circumspect as to whether the writ of mandamus, while exercising our extraordinary jurisdiction under Article 226 of the Constitution, can be issued in such matters. Nevertheless, the learned

Advocate appearing on behalf of the State Co-operative Election Authority, Pune submits that this authority is under a mandate to complete the elections in all these Vividh Karyakari Seva Co-operative Societies by 31/03/2022. The inherent requirement for conducting elections is that the concerned co-operative society has to tender a list of voters and also deposit the requisite amount enabling the Authority to conduct the elections.

4. The learned Advocate for the petitioners submits that they would now pursue their society for tendering the list of voters and deposit the requisite amount. If this is done, we are of the view that respondent No.3 would be able to conduct the elections expeditiously. In so far as the challenge to the appointment of the Administrator is concerned, we would consider such challenge in an appropriate case.

5. In the light of the above observations, these petitions are disposed off.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)