

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3682 OF 2022

BALIRAM HONAJI DAKHORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Shahaji Ghatol Patil
AGP for Respondent-State: Mr. S.B. Pulkundwar
Advocate for Respondents 5 to 7: Mr. S.K. Kadam

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2022

ORDER :

1. The grievance of the petitioners is that the names of total 57 members of Respondent No. 8/Society, including the petitioners were included in the final voters list published on 08.03.2022. Due to oversight they are shown in non borrower members category. In fact as per the record they are borrower members and their names should have been included in borrower members category.

2. By communication dated 15.03.2022 the Assistant Registrar Co-operative Societies, Purna- Respondent No. 7 has informed the District Co-operative Election Officer & District Deputy

Registrar/Respondent No. 6 that as per the record of Respondent No. 8/Society, 57 members are borrower members, they have obtained loan from the Respondent No 8/Society and their names appear in Kisan Credit Card loan register of the society and they have repaid the earlier loan. Therefore, their names should appear as borrower members in the final voters list. The Respondent No. 6 could not correct the final voters list as he had no power or authority to do so. He accordingly informed the Respondent No. 7 that in absence of power he cannot correct the final voters list.

3. In the light of above facts and as yet the election programme is not declared, this Court is of the considered view that since the mistake has occurred in the final voters list due to oversight which is inadvertent mistake, due to which 57 members will not be in a position to contest the election from borrower members category. For the inadvertent error on the part of authorities, the members should not suffer. In these peculiar facts it is expedient to direct the respondents to correct the final voters list by showing names of 57 members in borrower members category.

4. In the result, the writ petition is allowed. The Respondent No. 6 is directed to correct the final voters list by showing the names of 57 members including the petitioners as borrower members. The correction be carried out forthwith, before publication of election programme. The writ petition is allowed in above terms.

5. Copy duly authenticated by the Shirestedar is permitted.

[NITIN B. SURYAWANSHI]
JUDGE