

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3915 OF 2022

Atmaram Bhimrao Bhuse and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. D. J. Choudhari, Advocate for the petitioners

Mr. S. N. Kendre, AGP for respondent - State

Mr. S. K. Kadam, Advocate for respondents No. 2 and 3

Mr. U. I. Momale, Advocate for respondent No.4

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2022

ORDER :

1. The petitioners claimed for inclusion of their names in the final voters' list of respondent No.4 society. The returning officer – respondent No.3 has rejected the claim of the petitioners. Hence, present writ petition.

2. Admittedly, names of the petitioners are mentioned in the members' register ("I" register) of respondent No.4 society. Respondent No.3, however, has refused to include names of the petitioners on erroneous ground that though the names of the petitioners are mentioned in "I" register, it is not clear from the register of shares that whether the petitioners have paid the

amount of shares or not.

3. Heard rival submissions of the learned advocates for the respective parties.

4. Learned advocate for the petitioners fairly states that the petitioners claim only voting right as the election programme is already declared on 28th March, 2022 and the polling is scheduled on 28th April, 2022.

5. It is a matter of record that earlier the same objection was raised in the case of petitioners No.1 to 4 in the elections held in 2016 and the names of the petitioners were directed to be included in the final voters' list.

6. Respondent No. 3 District Co-operative Election Officer could not have gone into the issue as to whether the petitioners have deposited the amount of share or not. When the petitioners' names are mentioned in the "I" register, this itself is sufficient to include names of the petitioners in the final voter's list. The petitioners, therefore, have made out a case for inclusion of their names in the final voters' list of respondent No.4 society.

7. The petitioners can be permitted to cast their votes in the

election scheduled on 28th April, 2022.

8. In the result, petitioners No.1 to 6 are allowed to cast their votes in the elections of respondent No.4 society scheduled to be held on 28th April, 2022. The writ petition is allowed to that extent.

[NITIN B. SURYAWANSHI]
JUDGE

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