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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5059 OF 2022

Vijay Jaganath Ithape and Others

PETITIONERS

VERSUS

The Commissioner State Co-operative Election
Authority, Maharashtra State and Others

RESPONDENTS

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Mr. Ajeet B. Kale, Advocate for the petitioners

Mr. S. K. Kadam, Advocate for respondent No. 1

Mrs. V. S. Chaudhari, AGP for respondent - State

Mr. Narendra B. Patekar, Advocate for respondent No.5

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 4th MAY, 2022

ORDER :

1. The petitioners are aggrieved by the order passed by the Divisional Joint Registrar, Co-operative Societies, Nashik Division, Nashik – respondent No.2, thereby rejecting stay application of the petitioners.

2. The petitioners, by filing Appeal No. A-43 of 2022, challenged the order passed by the Assistant Registrar, Co-operative Societies, Newasa – respondent No.3, thereby removing their names from the members' register of respondent No.5 society and also sought stay to the order impugned in the

appeal. By the impugned order, stay is refused.

3. According to the petitioners, the impugned order passed by the Assistant Registrar is without hearing the petitioners. The petitioners are members of respondent No. 5 society since long and they are in a position to prove that they are eligible and entitled to vote in the ensuing elections.

4. This petition, since raises several disputed questions of facts, this court is not inclined to go into the same at this stage. However, taking into consideration the fact that the substantive appeal filed by the petitioners before respondent No.2 is pending and since the election programme of respondent No. 5 society is yet to be declared, this petition is disposed of by directing respondent No.2 to take decision in the appeal filed by the petitioners within a period of one week from today.

[NITIN B. SURYAWANSHI]
JUDGE