

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5014 OF 2022

**VISHWANATH SHANKAR JANKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for Petitioners : Mr. Rathi Swapnil S.
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent Nos. 2 and 5 : Mr. S. K. Kadam
Advocate for Respondent No.4 : Mr. T. G. Gaikwad

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MAY, 2022

PER COURT :

1. The petitioners are aggrieved by non-inclusion of their names in the final voters list of respondent No.4 society. The petitioners filed objection before respondent No.2 District Cooperative Election officer seeking inclusion of their names in the final voters' list. Respondent No.2 called report from the respondent No.3 Assistant Registrar. The Assistant Registrar, after going through the record of respondent No.4 Society, submitted his report stating that names of the petitioners are reflected in the record of respondent No.4 society. Their names appear in the cash

book and *Khatavani* maintained by respondent No.4 Society. In the report he has submitted the page numbers and serial at which names of the petitioners appear in the *Khatavani* maintained by respondent No.4 Society. By ignoring this report, respondent No.2 proceeded to pass the impugned order on the ground that the record of the respondent No.4 Society appears to be doubtful. The entire approach on the part of respondent No.2 in calling the record and passing order on that basis is unreasonable and irrational. When Respondent No.2 had called the report from respondent No.3 who was expected to go through the record and submit report, there was no occasion for respondent No.2 to call the record and pass the impugned order on the basis of the same. The respondent No.2 appears to have exceeded his jurisdiction while passing the impugned order.

2. The election program is yet not declared. Admittedly, the Society as well as the respondent No.3 have specifically submitted before respondent No.2 that the names of the petitioners appear in the record of respondent No.4 Society. In that view of the matter, the impugned order is unsustainable in law and facts of the

case.

3. In the result, the writ petition is allowed in terms of prayer clause 'C'. The impugned order dated 21-04-2022 passed by the respondent No.2 District Cooperative Election Officer and District Deputy Registrar, Beed is hereby quashed and set aside to the extent of the petitioners.

4. Respondent No.2 is directed to include the names of the petitioners in the final voters' list of respondent No.4 Society and proceed with the further election process.

(NITIN B. SURYAWANSHI, J.)