

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5567 OF 2022

Vikram S/o Ramrao Gaikwad

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. S. K. Chavan, Advocate for the petitioner.

Mr. S. G. Sangle, AGP for respondents No. 1, 3 and 5.

Mr. S. K. Kadam, Advocate for respondents No. 2, 4 and 6.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 16th JUNE, 2022.

PER COURT :

1. The petitioner has put forth prayer clauses 'B' and 'C' as under :-

B) By issuing writ of mandamus or any other appropriate writ, Order or directions in the like nature, the Respondents No. 3 and/or Respondent No. 5 may kindly be directed to decide the pending application of the petitioner preferred U/Section 11 of the M.C.S. Act dated 11/05/2022 forthwith or at any case on or before 15/03/2022 thereby decide the issue of membership of Respondents No. 8 to 56 and in furtherance in the event, the Respondents No. 8 to 56 held to be invalid/illegal members of the Respondent No. 7 society, their names shall be deleted from the list of membership and final voters list of Respondent No. 7 society.

C) By issuing writ of certiorari or any other appropriate Writ, Order or directions in the like nature, thereby the final voters list published by the Respondent No. 6 dated 28/03/2022 may kindly be quashed and set aside and modified by deleting the names of Respondents No. 8 to 56 therein.

2. Since the elections have already been held on 16th May, 2022, the learned Advocate submits that prayer clause 'C' is rendered infructuous.

3. Considering the above, this petition is disposed off with a direction to the respondent No. 5 to decide the application dated 10th June, 2022 (earlier application dated 11th May, 2022), filed by the petitioner under Section 11 of the Maharashtra Co-operative Societies Act, 1960, by following the due procedure laid down in law, on or before 5th July, 2022, as notices have already been issued to the parties and they have appeared in the proceedings.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge