

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

908 WRIT PETITION NO.5580 OF 2022

**MAROTI SHAMRAO SHELAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DISTRICT
COLLECTOR AND ORS**

...
Advocate for Petitioner : Mr.Rakhunde Pravin B.
AGP for Respondents-State : Mr. A.R.Kale
Advocate for respondent No. 2 : Mr. V.H. Dighe
...

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

DATE : 17th JUNE, 2022.

PER COURT :

1. The petitioner has putforth prayer clauses B, C, D and E
as under :

B) By way of writ of mandamus and writ of certiorari or any other appropriate order, direction in the like nature that, the respondent authorities may kindly be directed to include the names of 23 members in the final voter list of respondent No. 4 Society.

C) By appropriate writ or direction, the Hon'ble Court may please to direct to the respondents authorities to conduct the proper inquiry and thereby include the names of 23 persons in the final voters list.

D) To quash and set aside the final voters list at Exhibit 'C' to this petition, published by the respondents authorities.

E) By way of writ of mandamus and writ of certiorari or any other appropriate order, direction in

the like nature that, the 23 persons may kindly be permitted to cast their vote and contest the election in the upcoming election.”

2. The District Co-Operative Election Officer, Nanded has not been arrayed as the respondent. Since Mr. Dighe, the learned Advocate, appearing for the said authority, was informed by the learned Advocate for the petitioner that the matter is circulated today, that he has appeared before us, only to assist us. He informs us that the District Co-Operative Election Officer, who is the Additional Deputy Registrar of the Co-Operative Society, Nanded has already published the programme on 19th April, 2022, pertaining to the preparation of the valid voters list, for conducting elections of the various Co-Operative Societies.

3. Respondent No. 4 Society, of which the petitioner claims to be a member along with 22 others, on whose behalf he claims to have filed this petition, is at serial No. 5, indicating that the said Society was duly informed and notified about the said program. The preliminary voters list was to be tendered by the Society on 20th April, 2022 at 11.00 a.m. The objections to the said voters list was to be raised between 20th April, 2022 to 29th April, 2022 between 11.00 to 5.00 p.m. The hearing on the objections was scheduled at 2.00 p.m. on 05.05.2022. The final orders on the objections were pronounced

at 4.00 p.m. on 09.05.2022. The final voters list was prepared and published at 4.00 p.m., on 13.05.2022.

4. He further submits that pursuant to the above, the elections programme has been declared and the filing of the nomination forms was scheduled between 01.06.2022 by 07.06.2022. The scrutiny of the forms was scheduled on 08.06.2022. The fate of the forms was declared on 09.06.2022. The withdrawal of the forms has been permitted in between 09.06.2022 till 23.06.2022. The voting is scheduled on 02nd July, 2022.

5. The learned Advocate for the petitioner submits that a representation has been forwarded to respondent No. 3 Assistant Registrar, Co-Operative Societies, Kinwat on 04.05.2022 and this was followed by another representation dated 17.05.2022. Both these representations have not been filed by the petitioner, before us.

6. In our view, the petitioner and the 22 other persons whom he claims to represent, has not raised any objection, while the voters list was being finalized, on the spacious plea that they were not aware that their society has been intimated and they were also not personally aware. This petition with such disputed questions cannot be entertained.

7. In view of the above, this petition is dismissed.

8. Needless to state, if the petitioner and others have a statutory remedy available, they would be at liberty to avail of the said remedy as is permissible in law.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

mahajansb/