

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

WRIT PETITION NO.6753 OF 2022

Nivrutti s/o. Govindrao Kalbande,
Age 42 years, Occu. Agril.,
R/o. Sukhi, Tq. Purna, Dist. Parbhani. .. Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Co-operation Department,
Mantralaya, Fort, Mumbai-32.
2. The Divisional Joint Registrar,
Co-operative Societies, Aurangabad,
Kranti Chowk, Aurangabad.
3. The District Deputy Registrar,
Co-operative Societies, Parbhani.
4. The Assistant Registrar,
Co-operative Societies, Purna,
Tq. Purna, Dist. Parbhani.
5. The State Co-operative Election Authority,
Maharashtra State, Pune.
6. The District Co-operative Election Officer &
District Deputy Registrar,
Co-operative Societies, Parbhani.
7. The Taluka Co-operative Election Officer &
Assistant Registrar, Co-operative Societies,
Purna, Tq. Purna, Dist. Parbhani.
8. Sukhi Vividh Karyakari Seva Sahakari
Society Ltd., Sukhi, Tq. Purna, Dist. Parbhani,
Through its Secretary
9. Sharda Balasaheb Ghatol,
Age 35 years, Occu. Household, ..Deleted

10. Vishranti Laxman Ghatol,
Age 30 years, Occu. Household, ..Deleted

(Respondent at Sr.Nos.9 & 10 are deleted
as per Court order dated 20th July, 2022)

11. Manika Namdeo Kalbande,
Age 50 years, Occu. Labour,
12. Yogesh s/o. Bhagwanrao Kalbande,
Age 50 years, Occu. Labour,
13. Annapurna Gajanan Kalbande,
Age 26 years, Occu. Household,
14. Taramati Kashinath Kalbande,
Age 35 years, Occu. Household,
15. Phulabai Munjaji Kalbande,
Age 55 years, Occu. Household,
16. Anusaya Kashinath Kalbande,
Age 35 years, Occu. Household,
17. Sumitra Trimbak Kalbande,
Age 40 years, Occu. Household,
18. Deorao s/o. Purbhaji Kalbande,
Age 42 years, Occu. Household,
19. Sakhubai Ambadas Kalbande,
Age 50 years, Occu. Household,
20. Anusaya Pandurang Kalbande,
Age 50 years, Occu. Household,
21. Taibai Munjaji Kalbande,
Age 60 years, Occu. Household,
22. Indubai Ramkisan Kalbande,
Age 55 years, Occu. Household,
23. Subhash s/o. Ramesh Kalbande,
Age 46 years, Occu. Labour,
24. Nandabai Ramrao Kalbande,

- Age 45 years, Occu. Household,
25. Asha Ramdas Kalbande,
Age 32 years, Occu. Household,
 26. Shakuntala Baban Kalbande,
Age 46 years, Occu. Household,
 27. Gayabai Dattarao Kalbande,
Age 70 years, Occu. Household,
 28. Shashikala Gangadhar Kalbande,
Age 45 years, Occu. Household,
 29. Ratanbai Munjaji Kalbande,
Age 46 years, Occu. Household,
 30. Sagarbai Madhav Kalbande,
Age 56 years, Occu. Household,
 31. Kalawantibai Madhav Kalbande,
Age 50 years, Occu. Household,
 32. Mangaesh s/o. Ganesh Kalbande,
Age 18 years, Occu. Student,
 33. Tulsabai Aanerao Kalbande,
Age 50 years, Occu. Household,
 34. Rukhmini Waman Kalbande,
Age 56 years, Occu. Household,
 35. Kalawanti Ashok Kalbande,
Age 40 years, Occu. Household,
 36. Girjabai Purbhaji Kalbande,
Age 43 years, Occu. Household,
 37. Taibai Ramrao Kalbande,
Age 60 years, Occu. Household,
 38. Shankar s/o. Raosaheb Kalbande,
Age 55 years, Occu. Labour,
 39. Madhukar s/o. Narayan Kalbande,
Age 45 years, Occu. Labour,

40. Purbhaji s/o. Govind Kalbande,
Age 50 years, Occu. Labour,
41. Gangasagar s/o. Sanjay Ranvir,
Age 40 years, Occu. Labour,
42. Sangita Ramesh Ranvir,
Age 40 years, Occu. Household,
43. Pandit s/o. Bhikaji Sangle,
Age 60 years, Occu. Labour,
44. Shivaji s/o. Baban Kalbande,
Age 32 years, Occu. Labour,
45. Sambhaji s/o. Govind Kalbande,
Age 35 years, Occu. Labour,
46. Eknath s/o. Madhav Suryawanshi,
Age 38 years, Occu. Labour,
47. Surekha Govind Kalbande,
Age 28 years, Occu. Labour,
48. Shobha Balaji Kalbande,
Age 30 years, Occu. Household,
49. Radha Baliram Kalbande,
Age 28 years, Occu. Household,
50. Rekha Parmeshwar Kalbande,
Age 32 years, Occu. Household,
51. Omkar s/o. Pralhad Kalbande,
Age 23 years, Occu. Labour,
52. Pratibha Navnath Kalbande,
Age 26 years, Occu. Household,
53. Ganpati s/o. Munjaji Kalbande,
Age 48 years, Occu. Labour,
54. Kamalbai Devidas Kalbande,
Age 58 years, Occu. Household,
55. Vijaykumar Dajisaheb Kalbande,

Age 50 years, Occu. Labour,

56. Purbhaji s/o. Govind Puri,
Age 42 years, Occu. Labour,
57. Pralhad s/o. Runjaji Ranvir,
Age 52 years, Occu. Labour,
58. Kamalbai Prakash Ranvir,
Age 48 years, Occu. Household,
59. Daivshala Pralhad Ranvir,
Age 48 years, Occu. Household,
60. Ramesh s/o. Nivrutti Ranvir,
Age 50 years, Occu. Labour,
61. Bhagwat s/o. Laxman Kalbande,
Age 18 years, Occu. Student,
62. Gavlan Prasad Kalbande,
Age 40 years, Occu. Household,
63. Balaji s/o. Sakharam Bende,
Age 50 years, Occu. Labour,
64. Laxmibai Ashorba Kalbande,
Age 52 years, Occu. Household,
65. Renuka Dashrath Tainath,
Age 42 years, Occu. Household,
66. Rekha Bharat Kalbande,
Age 38 years, Occu. Household,
67. Dropadi Janardhan Kalbande,
Age 40 years, Occu. Household,
68. Priyanka Kashinath Kalbande,
Age 40 years, Occu. Household,
69. Bhagyashree Shankarrao Kalbande,
Age 40 years, Occu. Household,
70. Sandeep Purbhaji Kalbande,
Age 40 years, Occu. Household,

All Respondent Nos. 9 to 70 R/o. Sukhi,
Taluka Purna, District Parbhani.

..Respondents

...
Advocate for Petitioner : Shri Shahaji P. Ghatol Patil
A.G.P. for Respondent Nos. 1 to 4 : Mr. S. B. Pulkundwar
Advocate for Respondent Nos. 5 to 7 : Mr. S. K. Kadam
Advocate for Respondent Nos. 13, 14, 19, 21, 37, 44, 46 to 52,
54, 58 to 60, 62 to 68 and 70 : Shri S. R. Sapkal

...
CORAM : M.G.SEWLIKAR, J.

DATE : 20th August, 2022

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for hearing for final disposal at the admission stage.

2. Petitioner is challenging order dated 23rd June, 2022 passed by respondent No.6, the District Co-operative Election Officer, Parbhani, whereby names of respondent Nos.9 to 67 were illegally confirmed in the voters list.

3. Facts in brief are that on 2nd June, 2022 respondent No.6 published a programme for finalization of voters list of respondent No.8 Society. A provisional voters list was published on 3rd June, 2022, claims and objections were to be lodged on or before 13th June, 2022 and 23rd June, 2022 was the date for hearing on objections and final voters list was published on 28th June, 2022.

4. On 13th June, 2022, petitioner raised objection on provisional voters list that names of respondent No.9 to 67 have been added in the voters list though they are not possessing agricultural land, they do not live within the area of operation of the Society, they have not paid share amount and membership fees, they are not enrolled as members of the Society. Therefore, petitioner sought deletion of their names from voters list. On 28th June, 2022, respondent No.8 Society appeared before respondent No.7 and pointed out that names of respondent Nos.9 to 67 were not appearing in the Share Register and Membership Register maintained in Form-I and Form-J as per Rule 33 of the Maharashtra Co-operative Societies Rules, 1961. This objection was turned down by respondent No.6, the District Co-operative Election Officer.

5. Notices were issued to all the respondents. Some of the respondents were served by publication. They are absent.

6. Learned counsel for the petitioner submits that election is scheduled tomorrow. If these voters are permitted to vote at the election, that will cause serious prejudice to the petitioner. He submits that they are not the valid voters. They do not live within the area of operation of respondent No.8 Society. They have been illegally added in the voters list.

7. Learned counsel for respondent Nos.5 to 7 submits that election process has already been started and elections are going to be held tomorrow. Therefore, this Court cannot pass any order which will amount to arresting election process.

8. Election programme has already been declared. Now, elections are going to be held tomorrow. It is settled law that once election process starts, it cannot be stopped. Petitioner has alternate efficacious remedy of agitating his grievance by way of election petition under Section 91 of the Maharashtra Co-operative Societies Act.

9. In view of this, petition is devoid of any substance. Hence, it is dismissed. No costs.

10. Rule is discharged.

11. All the contentions are kept open.

12. If election petition is filed, the concerned Court shall decide the same without getting influenced by the observations made in this Judgment.

(M.G.SEWLIKAR)
JUDGE