

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

965 WRIT PETITION NO.6582 OF 2020

WITH CA/7964/2020 IN WP/6582/2020

DEEPAK KESHAVRAO TAMBE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S. P. Salgar, h/f Mr. Niteen V. Gaware.

GP for Respondent/State: Mr. D. R. Kale.

Advocate for Respondent Nos.3 & 6 : Mr. S. K. Kadam.

Advocate for Respondent No.7 : Mr. C. V. Thombre.

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CORAM : **S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 18th January, 2022.

PER COURT:

. The petitioner seeks various reliefs.

2 We have heard Mr. S. P. Salgar, learned counsel for petitioner, Mr. S. K. Kadam, learned counsel, Mr. C. V. Thombre, learned counsel and Mr. D. R. Kale, learned Incharge Government Pleader for the respective respondents.

3 Mr. Kadam, learned counsel submits that the elections of all the Primary Agricultural Societies, who have deposited the expenses for conduct of elections so also submitted the voters lists,

are conducted. Respondent No.5 has not submitted the voters list nor has deposited the amount for conduct of elections.

4 According to the petitioner, respondent No.7 is appointed as an Administrator on the suggestion of the local MLA. The learned counsel submits that Section 77A of the Maharashtra Cooperative Societies Act does not permit a member to be an Administrator.

5 Mr. C. V. Thombre, learned counsel for respondent No.7 and Mr. D. R. Kale, learned Incharge Government Pleader submit that though the recommendation was made by the local MLA, the procedure as is required was followed while appointing respondent No.7.

6 It is high time the amount of expenses for conduct of the elections and the voters list is submitted. The parties may be interested one way or other, however, the elections need not be stalled for the said purpose.

7 If within a period of one month the respondent No.5 does not deposit the amount of expenses for conduct of the elections and submit the voters list, then the respondent authorities shall appoint the Government Officer as an Administrator of respondent No.5, ofcourse by adhering to the procedure under the law. The said steps shall be

taken preferably within a period of one month thereafter.

8 The writ petition is accordingly disposed of. No costs.

9 Civil application also disposed of.

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[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]