

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

WRIT PETITION NO.11227 OF 2022

**ANANT PANDURANG BANSODE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...

Mr. Saeed S. Shaikh, Advocate for the Petitioners.
Mr. S. S. Dande, AGP for Respondents-State.
Mr. S. K. Kadam, Advocate for Respondent Nos.2, 4
and 5.

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CORAM : SANDEEP V. MARNE, J.

DATED : 11th NOVEMBER, 2022.

PER COURT:-

1. By the present petition the petitioners challenge the order dated 07.11.2022 passed by the District Co-operative Election Officer cum District Deputy Registrar, Co-operative Society, Parbhani thereby rejecting their objections in respect of the inclusion of names of some of the individuals in the voters list. The objection is rejected essentially on the ground that the issue of membership of the said persons falls beyond the purview of the District Co-operative Election Officer.

2. Mr. Kadam, learned counsel appearing for respondent nos.2, 4 and 5 relies upon provisions of Section 11 of the Maharashtra Co-operative Societies Act, 1960 to contend that, the Registrar

has the power to determine the issue of validity of membership of a person in respect of a particular society. So long as the membership of a person in a Co-operative Society is not rescinded or withdrawn, the same is bound to be reflected in the voters list. The District Co-operative Election Officer, while preparing the voters list cannot go into the issue of legality of membership of a person in Co-operative Society. That jurisdiction lies exclusively within the domain of Registrar under Section 11 of the Maharashtra Co-operative Societies Act, 1960.

3. The petition is devoid of any merits and the same is dismissed without any orders as to cost.

4. The petitioners, however, shall have a liberty to file appropriate proceedings under Section 11 of the Maharashtra Co-operative Societies Act, 1960, if they so desire. Also of relevance is a fact that the petitioners have failed to implead the persons whose names are sought to be deleted from the voters list. This is the yet another ground on which the petition deserves to be dismissed.

(SANDEEP V. MARNE)
JUDGE