

VAISHALI
ANIL
TIKAM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 12602 OF 2022**

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**Shri Vitthal Sahakari Panipuravatha
Sanstha Maryadit and Ors. ...Petitioners**

Vs.

**The Dist. Cooperative Election Officer
alias Dist. Dy. Registrar, Coop. Soc.
Kolhapur and Anr. ...Respondents**

Mr. Utkarsh Desai i/b. Mr. Prashant Bhavake, Advocates for the
Petitioners.

Ms. M.S. Srivastava, AGP for the Respondent-State

CORAM: SANDEEP K. SHINDE, J.
DATED : 20TH OCTOBER, 2022

P.C.:

1. Leave to amend. Amendment to be carried out
forthwith.
2. On a complaint filed by Shri Annappa Narayan Borke-
Respondent No.2, the Assistant Registrar, Cooperative Societies,
Taluka Karveer, Dist. Kolhapur, in exercise of powers in terms of
proviso to section 25A of the Maharashtra Cooperative Act,
1960 ('MCS Act' for short) vide order dated 18 April, 2022

directed to delete names of 60 (sixty) members of the Petitioner Society, from its' membership register. In revision, against the said order, the Divisional Joint Registrar vide order dated 28th July, 2022 set aside the order passed by the Assistant Registrar.

3. Pending above proceedings, election programme of the Petitioner Society was published. Thereafter, Mr. Annappa Bodke- Respondent No.2, vide letter dated 27th June, 2022, objected to provisional list of voters of the Petitioner Society and requested to delete the names of petitioner Nos.2 to 55 from the provisional voters list, in terms of order dated 18th April, 2022 passed by the Assistant Registrar.

4. The objection of Mr. Bodke was upheld. In consequence, the Taluka Cooperative Election Officer vide order dated 4th July, 2022 directed to delete names of Petitioners No. 2 to 55 from the provisional voters list.

5. On 22nd August, 2022, Petitioner Society requested Assistant Registrar, Cooperative Societies to include the names

of petitioner Nos. 2 to 55 in the voters list in view of order dated 28th July, 2022 passed by the Divisional Joint Registrar in Revision Application No. 203 of 2022.

6. The Taluka Cooperative Election Officer rejected the request of the Petitioner Society for want of jurisdiction and communicated decision on 25th August, 2022.

7. Petitioners' case is, vide order dated 28th July, 2022, Divisional Joint Registrar's directed to include the names of Petitioner Nos. 2 to 55 in the membership register, and therefore, inclusion of their names in the provisional voters list cannot be denied.

8. Indisputably the order of the Divisional Joint Registrar in Revision No. 203 of 2022 has attained the finality. Therefore, the names of the Petitioners 2 to 55 are required to be included in the provisional voters list of the Petitioner Society.

9. In consideration of above facts, the Petitioners shall file appropriate application before the Respondent No.1; the Taluka Cooperative Election Officer for including the names of Petitioners 2 to 55 in the voters list of the Respondent No.1.

10. The Taluka Cooperative Election Officer @ Assistant Registrar Cooperative Societies, Karveer shall pass an appropriate order directing inclusion of names of the petitioner Nos. 2 to 55, in the voters list of the petitioner No.1 Society in view of the order dated 28th July, 2022 passed in Revision Application No. 203 of 2022 by the Divisional Joint Registrar Cooperative Societies, Kolhapur Division, Kolhapur.

11. The Taluka Cooperative Election Officer shall pass appropriate order within three days from date of presenting the application before him.

12. Writ petition is allowed and disposed of in the aforesaid terms.

Parties to act on an authenticated copy of the order.

[SANDEEP K. SHINDE,J.]