

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6473 OF 2022

Shri. Malkappa Dudappa Birajdar and Ors. ..Petitioners
Versus
The District Co-operative Election Officer
& Regional Joint Director (Sugar),
Solapur Division, Solapur and Ors. ..Respondents

**WITH
WRIT PETITION NO.6505 OF 2022**

Shri. Daulat Dashrath Mane and Anr. ..Petitioners
Versus
The District Co-operative Election Officer
& Regional Joint Director (Sugar),
Solapur Division, Solapur and Ors. ..Respondents

Mr. Pratap Patil i/by Gurubala Birajdar, for Petitioners in both Petitions.
Mr. Deelip Patil Bankar, Chief Standing Counsel, SCEA, for Respondent Nos.1 & 2 in both Petitions.
Mr. P. V. Nelson Rajan, AGP for Respondent No.3/State both Petitions.
Mr. R. V. Govilkar i/by Suhas Inamdar a/w Mr. M. R. Govilkar, for Respondent No.4 in both Petitions.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th JUNE, 2022

P.C.

1. Heard.

2. It is not in dispute that the election programme of the respondent No.4 co-operative sugar factory is at advanced stage. Today is last date to file nomination form and voting is scheduled on 14th July, 2022. The final voters list was already

published and same is informed to be for declaration of electoral roll in the matter of election of management committee of respondent No.4 society.

3. In the aforesaid background, the claim in the election viz. the defective enrollment of the members and refusal includes the name of the petitioner in the final voter's list cannot be gone into in view of the aforesaid development viz. advancement of the election programme. The issue is squarely covered by the division bench judgment of this Court in the matter of ***Dattatray Genaba Lole and Ors. Vs. Divisional Joint Registrar and Ors.*** reported in ***2022(1) Bom.C.R. 471.***

4. This Court in the matter of ***Yashwantrao Mohite Krushna Sahakari Sakhar Factory Ltd. Vs. The Honourable Mister for Co-operation and Marketing and Ors. decided on 25th June, 2021 in Writ Petition No.2097 of 2021*** has already taken a similar view. In that view of the matter, no case for interference in both these petitions is made out.

5. As such, both these petitions fail, dismissed.

6. However, it shall be open for the petitioners to take recourse to the appropriate proceedings at appropriate stage in the matter of redressal of their grievance may be membership issue.

[NITIN W. SAMBRE, J.]