

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10409 OF 2022**

Bhikaji Dhondiram Parle

....Petitioner

V/s.

State of Maharashtra & Ors.

....Respondents

Mr. Manoj Patil i/by. Mr. Ashish Pawar, Advocate for the petitioner in both the petitions.

Mr. S.H. Kankal, AGP for respondent no.1-State.

Mr. Deelip Patil with Ms. Pooja D. Patil, Advocate for respondent no.3 in both petitions.

Mr. Harish R. Pawar, Advocate for respondent no.4 in both petitions.

CORAM : SANDEEP K. SHINDE, J.

TUESDAY, 11TH OCTOBER, 2022.

P.C. :

1. Heard learned Counsel for the parties and Assistant Government Pleader for the State.

11.10.2022

2. Perused Affidavit-in-reply filed by Prashant Satpute, Deputy Registrar, Co-operative Societies, G/S Ward, Mumbai.

3. This petition under Article 227 of the Constitution of India, challenges the decision dated 4th July, 2022 by which the District Co-operative Election Officer in exercise of powers under Rule 11(3) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (hereinafter called "the said Rules" for short), considered the objection of Mayur Consumers Co-operative Society Ltd. and directed to include its name in final list of voters.

The facts in brief, are as under :

4. Maharashtra State Co-operative Consumers Federation Ltd.-respondent no.2 herein is a State Level Federal "Type-A" Society within the meaning of Rule 4 of the said Rules. Mayur Consumers Co-op. Society Limited is its Member. Respondent no.2, being Federal Society, the names of delegates of its' members were called for from across the State as required under Rule 10(2) of the said Rules for the purpose of conducting election of Managing Committee Members of Federation Society for the period 2022-27. Thereafter, provisional list of Voters of Federal Society was drawn up and published on 15th June, 2022 for inviting claims

and objections and/or in omission in respect of the names or addresses.

5. It appears, name of Mayur Consumers Co-op. Society Limited was omitted from the provisional list of voters. Although, the said Society had forwarded its proposal and particulars required in terms of Rule 10(2) of the said Rule to the District Co-operative Election Officer on 17th May, 2022 alongwith the Resolution of its Managing Committee dated 8th May, 2022 authorising Mr. P.M. Dalvi, its representative. Therefore, on 23rd June, 2022 said Society lodged its objection to the provisional list of voters and requested the District Co-op. Election Officer to include its name in the list.

6. The District Co-op. Election Officer, vide communication dated 24th June, 2022 called upon the said Society to forward documents to verify its objections. Thereafter, on 29th June, 2022 the said Society and representative of Federal Society were heard by the District Co-op. Election Officer.

7. The Affidavit-in-reply filed by the Deputy Registrar, outlines the particulars of documents, verified by the District Co-op. Election Officer, which includes the communication

from the office of Assistant Registrar dated 17th May, 2022 evidencing that the said Society was not deregistered.

8. Thus, it appears, the District Co-op. Election Officer made enquiries contemplated under Rule 11(3) of the said Rules and found that, name of Mayur Consumers Co-op. Society Limited, was omitted inadvertently from the provisional list of voters. As such, District Co-op. Election Officer, vide decision dated 4th July, 2022 (impugned herein) upheld the objection of the said Society and accordingly name of the said Society came to be included in the final list of voters on 11th July, 2022.

9. The petitioner questioned the decision of District Co-op. Election Officer upholding the objection of Mayur Consumers Co-op. Society Limited.

10. In consideration of the facts of the case and documentary evidence placed before me, in my view, jurisdiction exercised by the District Co-operative Election Officer under Rule 11(3) of the said Rules, cannot be faulted with. Even otherwise, petitioner's objection dated 5th July, 2022 for including the name of the said Society in the final list of voters, was vague and general. To put it differently, the petitioner has not stated in his objection, as to why the name

of the said Society could not be included in the final list of voters.

11. For all these reasons, the petition requires no consideration. It is dismissed.

**NEETA
SHAILESH
SAWANT**

(SANDEEP K. SHINDE, J.)

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2022.10.31
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