

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

30 WRIT PETITION NO.3891 OF 2023

**KIRAN KISHANPRASAD PANDE AND OTHERS
VERSUS
THE STATE COOPERATIVE ELECTION AUTHORITY AND OTHERS**

...
Advocate for Petitioners : Mr. S.A. Nagarsoge
Advocate for Respondents 1 & 2 : Mr. S.K. Kadam
Advocate for Respondent 3 : Mr. Sameer S. Kurundkar h/f. Mr. P.D.
Suryawanshi
Advocate for Respondents 4 to 12 : Mr. S.S. Thombre
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**CORAM : ARUN R. PEDNEKER, J.
DATED : 10/04/2023**

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The petitioners were elected members of Vivid Karyakari Seva Sahkari Sanstha, (VKSSS) Aland, Taluka Fulambri, District Aurangabad on 2.6.2022. The election programme for respondent No. 3 Agricultural Produce Market Committee, Fulambri (APMC) commenced 30.11.2022.
3. As per the programme, the provisional voters list was published and the objections were invited from 12.12.2022 to 21.12.2022. The names of the petitioners were not in the provisional voters list, however, no objections were raised by the petitioners to the provisional voters list. Thereafter, the election of APMC could not take place for the period of time and in view of the prolonged delay, various new members were elected on VKSSS Society and Panchayats. In order to include the new members in the voters list, fresh election programme of APMC was published for the newly elected members of VKSSS society as well as panchayat members from 10.2.2023. However, even in the new

programme, the petitioners did not raise any objection for non inclusion of their names in the provisional voters list.

4. On 7.2.2023 in Rule 7 Sub Rule (5) is inserted wherein newly elected members if their names are not included in the final voters list, can still make application for inclusion of their names in the final voters list. However, the application has to be made atleast five working days before the last date of filing nomination.

5. In the instant case, the last date for filing nomination is 3.4.2023 and the petitioners had applied for inclusion of their names on 29.3.2023. Benefit of Rule 7 (5) also cannot be extended to the petitioners as the application for inclusion of their names is filed belatedly. It is also doubtful whether benefit of Rule 7 (5) is even otherwise available to the petitioners.

6. In view of the same, the writ petition is dismissed.

[ARUN R. PEDNEKER J.]

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