

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

912 WRIT PETITION NO.4448 OF 2023

**KISHAN LAXMANRAO PISAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS**

...
Advocate for Petitioners : Mr. Ghatol Patil Shahaji B.
AGP for Respondents/State: Mr. A. R. Kale
Advocate for Respondent Nos.5 to 7: Mr. S. K. Kadam
...

**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

DATE : 18.04.2023

PER COURT :

1. The petitioners approach this Court under Article 226 of the Constitution of India, thereby seeking directions against respondent No.6/District Election Officer (APMC) and District Deputy Registrar, Cooperative Societies to include their names in the final voters list of respondent No.8/Agricultural Produce Market Committee.

2. Mr. Ghatol Patil, learned counsel appearing for the petitioners would submit that the petitioners are elected members of Managing Committee of Vividh Karyakari Seva Sahakari Sanstha Ltd., Kaolgaon, Taluka Purna, District Parbhani. The petitioners have been elected on 18/04/2022. The Taluka Co-operative Election Officer and Assistant Registrar, Co-operative Societies, Purna has issued a notification under Section 73(3A) of the Maharashtra Co-Operative Societies Act, 1960 regarding election of the petitioners and others as members of Managing

Committee. As such, it is obligatory on the part of the respondents to include the names of newly elected Managing Committee members in the final voters list of respondent No.8/APMC. Since their names were not included, representation dated 30/12/2022 was made to the respondent No.4 who had assured the inclusion of names in the final voters list. Unfortunately, names of the petitioners are absent in the final voters list published on 20/03/2023, although the name of Vividh Karyakari Seva Sahakari Sanstha Ltd., Kaolgaon is entered at Sr. No.7 along with names of 11 members excluding the petitioners.

3. Mr. Kadam, learned counsel appearing for respondent No.6 would submit that the provisional voters list for AMPC, Purna was published on 22/11/2022. The petitioners have not raised any objection for non inclusion of their names in the final voters list. Now, the election programme for the election of APMC has been published and it has been reached at advance stage. At this stage, the prayer of the petitioners cannot be accepted.

4. We have heard the learned counsels appearing for the respective parties.

5. It is evident that the petitioners were aware about the publication of the provisional voters list dated 22/11/2022 for APMC election. Their names were not included in the said list. However, they did not raise any objection seeking inclusion of their names. The final voters list has been published on 20/03/2023. Thereafter, election programme has been declared and reached at advance stage.

6. In that view of the matter, we do not find any merits in the contention of the petitioners. Learned counsel appearing for the petitioners placed his reliance on the judgment of this Court in the matters of **Subhash Rambhaji**

Barde & Others Vs. State of Maharashtra & Others reported in 2017 (1) **Mh.L.J. 246** and **Chandraashekar Shivram Mudkanna Vs. State of Maharashtra & Others** reported in 2016 (2) **Mh.L.J. 818**. However, the law laid down in both the matters would not be of any assistance to the case of the petitioners since they have failed to raise objection to the provisional voters list and they have approached this Court when the election programme for APMC election has been reached at the advance stage.

7. In view of the aforesaid observations, the writ petition is dismissed.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer