



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 14934 OF 2023

SURESH GANGARAM SALVE
VS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. M.K. Bhosale
AGP for Respondent/State : Mr. R.S. Wani
Advocate for Respondent 2 : Mr. S.K. Kadam
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 13/12/2023

PER COURT :

1. Heard the learned counsel for the petitioner and Mr. S.K. Kadam, learned counsel appearing for respondent No. 2/Election authority.
2. Elections to the Dattatray Majur Sahakari Sanstha Maryadit, Kumbhephal, Tq. and Dist. Aurangabad/respondent No. 3 are due and final voters list is published on 1.12.2023. The petitioner, who is earlier Chairman along with the Managing Committee of the said society was removed by the order of the statutory authority under section 77A of the Maharashtra Cooperative Societies Act and an administrator is appointed on the said society. However, the Administrator has not been delegated any person to represent the said society before federal society. As such two separate groups have filed representations to the authority to consider their names as representatives before the federal society. However, the election authority by order dated 30.11.2023 has rejected the representations of the two groups as the Administrator is appointed on the society and the Administrator alone can file representation on behalf of the society after holding the general body meeting.

3. The learned counsel for petitioner submits that if the Administrator has not sent any representative as delegate of the society to the federal society, the petitioner is entitled to sent one person to represent the society.

4. Per contra, Mr. S.K. Kadam, representing the Election authority, respondent No. 2 submits that the order passed under section 77A of the Maharashtra Cooperative Societies Act has attended finality and representation can only be filed by the Administrator on behalf of the society by following due procedure of law and the petitioner has no right to sent the representative.

5. In view of the submissions of the learned counsel for the Election authority, the learned counsel for the petitioner has not been able to point the provision of law whereby the Chairman/Managing Committee of the removed body of the society can sent representative on behalf of the society to the federal society.

6. In view of the same, there is no merit in the writ petition. Writ petition is dismissed.

[ARUN R. PEDNEKER J.]

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