

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

**INTERIM APPLICATION NO. 2045 OF 2023
IN
WRIT PETITION NO. 1974 OF 2023**

Anjum Farooq Shaikh And Ors	...Applicants
Versus	
State Of Maharashtra Thr. Prin. Sec. Ministry For Co-op Nashik And Ors	...Respondents

Mr. Jayendra D Khairnar for applicant.

Mr. A. I. Patel, AGP for state-respondent nos. 1 and 2.

Mr. Dilip Bodake for respondent nos. 3 and 4.

Mr. Pramod N. Joshi for intervenor.

**CORAM: K.R. SHRIRAM &
RAJESH S. PATIL, JJ**

DATED: 8th March, 2023

PC:-

1. Petitioner has impugned the decision of respondent no.4 returning officer/election officer for Renuka Nagar co-operative Housing Society of respondent no.5-society for not including petitioners and many others in the voters list. Mr. Khairnar states that respondent no.4 had issued provisional voters list of about 349 members, and the final list does not contain names of about 300 members. Mr. Khairnar states that these 300

names were not included because societies dues were not paid by those members before the cut-off date of 30th September 2022 but many have paid thereafter. Mr. Khairnar states that even in the final voters list there are members who have paid after the cut off date of 30th September 2022.

2. Mr. Bodake for respondent no.4 states that respondent no.4 has prepared the final voters list relying on the list submitted by respondent no.5-society. Mr. Bodake also states that the final election schedule was to be announced today but it has been deferred.

3. Respondent no.5 is a housing society. We find from the documents annexed to the petition, the affidavit in reply and the compilation tendered by Mr. Khairnar that many members have paid after the cut-off date of 30th September 2022. We also find it difficult to accept that out of 349 members only about 40 and odd become eligible to vote. That is not a happy scenario. Therefore, we dispose the petition with the following direction :

(a) All members who have outstanding against them shall pay all dues to respondent no.5-society on or before 15th March 2023. Non-availability of this order or delay in this order being uploaded will not be an excuse for not paying and Mr. Khairnar undertakes to inform petitioners who can in-turn inform other members.

(b) On or before 18th March 2023 respondent no.5-society, which is not present though served, shall issue a receipt to each member which would be proof of that member having paid all dues of respondent no.5-society.

(c) The society shall, and each member may, submit this proof of payment to respondent no.4 on or before 23rd March 2023.

(d) Only those members who have paid the entire dues of respondent no.5-society on or before 15th March 2023 shall become eligible to vote or contest the elections of respondent no.5-society. There is no chance of extension being granted for payment.

4. Respondent No.4 shall issue the election programme on 27th March 2023 and thereafter follow due process in accordance with law.

5. Petition Disposed. No order as to costs.

INTERIM APPLICATION (L) NO. 6693 OF 2023

In view of the above order, this application does not survive.

Therefore, application disposed.

(RAJESH S. PATIL,J.)

(K.R. SHRIRAM,J.)