

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

CIVIL WRIT PETITION NO. 4411 OF 2023

Sharad Dinkar Padalkar

..Petitioner.

Versus

State of Maharashtra & Ors.

..Respondents

Mr. Kush M. Lahankar i/b. Rahul Walvekar for Petitioner.

Mr. Deepak Lad for Respondent No.3.

Mr. C. D. Mali, A.G.P. for Respondent Nos.1 and 2.

CORAM : SARANG V. KOTWAL, J.

DATE : 17 APRIL 2023

PC :

1. This petition challenges the order dated 27/02/2023 passed by the Respondent No.2 – District Deputy Registrar, Co-operative Societies, Kolhapur. By the impugned order, the Petitioner's objections were partly upheld. It was directed that, wherever there were certificates of the competent authority regarding death of any member, the Society was directed to put the information as 'dead' against their names and wherever there was no such certificate, the objection raised against their inclusion in the list was rejected.

2. Learned counsel appearing for the Respondent No.3 states that the election process has progressed further and the voting is to take place on 19/04/2023 and at this stage it is not permissible to interfere with the election process.

3. Learned counsel for the Petitioner submits that the Respondent No.2 be directed to clarify that, at the time of voting the documents be directed to be verified. This submission would mean that there would be clear interference with the smooth progress of the election. The objection was already raised by the Petitioner and it was dealt with by the authority.

4. Learned counsel for the Respondent No.3 relied on the Judgment of the Division bench of this Court in the case of *Dattatray Genaba Lole and others Versus Divisional Joint Registrar, Cooperative Societies and others*¹. He submitted that the ratio of this Judgment clearly indicates that, when the election process has advanced to this extent, the High Court should not interfere with the election process.

5. The observation of the Division Bench noted in this

1 2021 SCC OnLine Bom 4579

Judgment is squarely applicable to the present case. Therefore, I am not inclined to interfere with the election process.

6. With the result, the Petition is dismissed.

(SARANG V. KOTWAL, J.)