

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7362 OF 2023

Jitendra Pandurang More ... Petitioner.

V/S.

The Hon'ble Chairman/Secretary
Andheri Sundar Nagar Utkarsh
Co-Op Hou. Soc.Ltd And Anr ... Respondents.

.....

Mr. Sunilkumar J. Kanojia for the Petitioner.

Ms. P.N.Diwan for the Respondent No.2/SRA.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 6 November 2023.

P.C. :

Heard learned Counsel for the parties.

2 The Petitioner has challenged the order dated 26 May 2023 passed by Respondent No.2 - Assistant Registrar Co-operative Societies, not including name of the Petitioner as a Voter in the election for Respondent No.1- Co-operative Society. The learned Counsel for the Petitioner seeks a direction that the Petitioner's name

JYOTI
RAJESH
MANE

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be included in the Voters list of Respondent No.1-Society. The learned Counsel for the Petitioner contends that the Petitioner was permitted to vote in the earlier election. He states that the Petitioner's name appears in the Members List of the Society and the Petitioner has also been attending the Annual General Meetings of the Society and, therefore, impugned order is perverse and wrong.

3 The impugned order indicates that the Petitioner has not applied for being a Member of the Society. As regards the Share Certificate is concerned, the learned Counsel for the Petitioner states that due to various reasons, the Petitioner can not be issued a Share Certificate and all the other aspects which are pointed out as above, have not been considered by the Assistant Registrar.

4 We are informed that the election for which the Petitioner had to vote is now over on 3 September 2023 and now question will arise for the next election. We could have directed the Assistant Registrar to take this decision when the next election comes up, however, the finding of the Assistant Registrar may have implication on the Petitioner's right as a member itself. Therefore, Assistant Registrar would take the necessary decision as to whether the Petitioner's name be included in Voters list or not within a period of four weeks from today and communicate the same to the Petitioner. The Assistant Registrar will give opportunity to the Petitioner to produce the necessary documents. For that purpose the observations made by

the Assistant Registrar which are impugned before us be treated as *prima facie* opinion.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)