



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4196 OF 2016
WITH
CIVIL APPLICATION NO.1753 OF 2017
WITH
CIVIL APPLICATION NO.15009 OF 2022
WITH
CIVIL APPLICATION NO.16284 OF 2022

Rahul S/o Appasaheb Patare,
Age – 37 years, Occu. Agril,
R/o Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar..

... Petitioner.

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Cooperative Department,
Mantralaya, Mumbai-32

2. The Divisional Joint Registrar,
Cooperative Societies, Nashik,
Division, Nashik

3. The Assistant Registrar,
Cooperative Societies, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.

4. The District Deputy Registrar/ District Cooperative Election
Officer, Cooperative Societies, Ahmednagar,
Dist. Ahmednagar.

5. The Taklibhan Vividh Karyakari Seva
Sahakari Sanstha, Ltd., Taklibhan,
Tq. Shrirapur, Dist. Ahmednagar.
Through its secretary

6. The returning Officer,
The Taklibhan Vividh Karyakari Seva
Shakari Sanstha, Ltd., Taklibhan,
Tq. Shrirapur, Dist. Ahmednagar.

7. Bebitai Dadasaheb Shejul
Age-major, Occu-Agril,
8. Ganesh Appasaheb Shinde
Age-major, Occu-Agril,
9. Annasaheb Mohan Shelke
Age-major, Occu-Agril,
10. Smita Sainath Khandagale
Age-major, Occu-Agril,
11. Yamunabai Sundarbapu Khandagale
Age-major, Occu-Agril,
12. Anita Navnath Khandagale
Age-major, Occu-Agril,
13. Ajinkya Devidas Kokane
Age-major, Occu-Agril,
14. Vijay Devidas Kokane
Age-major, Occu-Agril,
15. Kishor Machindra Lad
Age-major, Occu-Agril,
16. Suresh Machindra Lad
Age-major, Occu-Agril,
17. Sharda Anil Khandagale
Age-major, Occu-Agril,
18. Kavita Sunil Khandagale
Age-major, Occu-Agril,
19. Uunali Ajit Khandagale
Age-major, Occu-Agril,
20. Jyoti Narendra Khandagale
Age-major, Occu-Agril,
21. Tai Vishnupanth Khandagale
Age-major, Occu-Agril,

22. Divyani Vishnupanth Khandagale
Age-major, Occu-Agril,

23. Anil Kashinath Khandagale
Age-major, Occu-Agril,

24. Sunil Kashinath Khandagale
Age-major, Occu-Agril,

25. Ninnath Gokuldas Khandagale
Age-major, Occu-Agril,

26. Ravindra Tulshidas Khandagale
Age-major, Occu-Agril,

27. Alka Tulshidas Khandagale
Age-major, Occu-Agril,

28. Prabha Gokuldas Khandagale
Age-major, Occu-Agril,

29. Abhijeet Dattatrya Kapse
Age-major, Occu-Agril,

30. Vandana Dattatrya Kapse
Age-major, Occu-Agril,

31. Rani Ajit Bodkhe
Age-major, Occu-Agril,

32. Pragyabai Shankar Dukre
Age-major, Occu-Agril,

33. Janabai Madhukarrao Dukre
Age-major, Occu-Agril,

34. Pallavi Ratnakar Ranware
Age-major, Occu-Agril,

35. Deepika Ratnakar Ranware
Age-major, Occu-Agril,

36. Bharti Ratnakar Ranware
Age-major, Occu-Agril,

37. Pramod Ratnakar Ranware
Age-major, Occu-Agril,
38. Mayuri Rahul Kokane
Age-major, Occu-Agril,
39. Satish Laxman Ranware
Age-major, Occu-Agril,
40. Suresh Kachru Gaikwad
Age-major, Occu-Agril,
41. Vijay Annasaheb Shelke
Age-major, Occu-Agril,
42. Rajendra Annasaheb Shelke
Age-major, Occu-Agril,
43. Keru Chadidas Jadhav
Age-major, Occu-Agril,
44. Bhagyashree Ganesh Nagale
Age-major, Occu-Agril,
45. Babasaheb Prakash Bodkhe
Age-major, Occu-Agril,
46. Deepali Yogesh Magar
Age-major, Occu-Agril,
47. Anil Laxman Chitale
Age-major, Occu-Agril,
48. Sunil Laxman Chitale
Age-major, Occu-Agril,
49. Dharti @ Renuka Anil Chitale
Age-major, Occu-Agril,
50. Jayshree Laxman Chitale
Age-major, Occu-Agril,
51. Appasaheb Jairam Shinde
Age-major, Occu-Agril,

52. Rekha Rajendra Kapse
Age-major, Occu-Agril,
53. Vandana Ratnakar Dukre
Age-major, Occu-Agril,
54. Anuja Swapnil Thorat
Age-major, Occu-Agril,
55. Sangita Machindra Dukre
Age-major, Occu-Agril,
56. Machindra Dattatraya Dukre
Age-major, Occu-Agril,
57. Mandabai Bahirunath Nagale
Age-major, Occu-Agril,
58. Chandrakala Bahirunath Nagale
Age-major, Occu-Agril,
59. Kaveri Bahirunath Nagale
Age-major, Occu-Agril,
60. Neelima Sudhakar Patare
Age-major, Occu-Agril,
61. Mangal Devidas Kokane
Age-major, Occu-Agril,
62. Ramnath Bahirunath Nagale
Age-major, Occu-Agril,
63. Ramesh Sopan Mate,
Age-major, Occu-Agril,
64. Janabai Kushaba Pawar
Age-major, Occu-Agril,
65. Prashant Raosaheb Kapse
Age-major, Occu-Agril,
66. Vaijanti Rajendra Kokane
Age-major, Occu-Agril,

67. Pratap Raosaheb Kokane
Age-major, Occu-Agril,

68. Deleted

69. Manisha Bharat Pawar
Age-major, Occu-Agril,

70. Meenakshi Prakash Bhavar
Age-major, Occu-Agril,

71. Mahesh Sitaram Gagare
Age-major, Occu-Agril,

72. Pramod Rajendra Gagare
Age-major, Occu-Agril,

73. Popat Sitaram Kolase
Age-major, Occu-Agril,

74. Anil Vasant Khillari
Age-major, Occu-Agril,

75. Sangita Raosaheb Todmal
Age-major, Occu-Agril,

76. Raosaheb Sampatrao Todmal
Age-major, Occu-Agril,

77. Santosh Balnath Pathak
Age-major, Occu-Agril,

78. Sushila Suryabhan Garje
Age-major, Occu-Agril,

79. Ravindra Vishwanath Gondkar
Age-major, Occu-Agril,

80. Sumanbai Vishwanath Gondkar
Age-major, Occu-Agril,

81. Mukund Vishwanath Gondkar
Age-major, Occu-Agril,

82. Yogita Ravindra Gondkar
Age-major, Occu-Agril,

83. Shraddha Mukund Gondkar
Age-major, Occu-Agril,

84. Laxmibai Bhausahab Shinde
Age-major, Occu-Agril,

85. Bhausahab Jairam Shinde
Age-major, Occu-Agril,

86. Lata Dnyandeo Dabhade
Age-major, Occu-Agril,

87. Sanjeevani Sanjay Nawale
Age-major, Occu-Agril,

88. Kanta Ashik Nawale
Age-major, Occu-Agril,

89. Sanjay Murlidhar Nawale
Age-major, Occu-Agril,

90. Deleted

91. Shweta Dinesh Jadhav
Age-major, Occu-Agril,

92. Lalita Baban Musmade
Age-major, Occu-Agril,

93. Swati Ravindra Musmade
Age-major, Occu-Agril,

94. Sindhu Prakash Musmade
Age-major, Occu-Agril,

95. Ratnamala Prabhakar Mhaske
Age-major, Occu-Agril,

96. Deleted

97. Dhananjay Ashok Kandalkar
Age-major, Occu-Agril,

98. Jaishree Ashokrao Gujar
Age-major, Occu-Agril,

99. Pramod Shivaji Gaware
Age-major, Occu-Agril,

100. Deleted

101. Adinath Sopan Jangale
Age-major, Occu-Agril,

102. Leelabai Laxman Yeole
Age-major, Occu-Agril,

103. Annasaheb Ramrao Yemle
Age-major, Occu-Agril,

104. Nanasaheb Kondaji Yeole
Age-major, Occu-Agril,

105. Laxman Kondaji Yeole
Age-major, Occu-Agril,

106. Sakhahari Kondaji Yeole
Age-major, Occu-Agril,

107. Dadasaheb Sakhahari Yeole
Age-major, Occu-Agril,

108. Swarna Ravindra Yeole
Age-major, Occu-Agril,

109. Dnyaneshwar Bhimraj Jangale
Age-major, Occu-Agril,

110. Sopan Ambadas Jangale
Age-major, Occu-Agril,

111. Alka Dattatrya Jangale
Age-major, Occu-Agril,

112. Dattatrya Yamnath Jangale
Age-major, Occu-Agril,

113. Thaksen Dagdu Bankar
Age-major, Occu-Agril,

114. Kamal Bhimraj Jangale
Age-major, Occu-Agril,

115. Gangadhar Sopan Jangale
Age-major, Occu-Agril,

116. Vimal Sopan Jangale
Age-major, Occu-Agril,

117. Kailash Dnyandeo Gaware
Age-major, Occu-Agril,

118. Sheetal Pradeep Gaware
Age-major, Occu-Agril,

119. Ravindra Prakash Musmade
Age-major, Occu-Agril,

120. Prakash Balwant Musmade
Age-major, Occu-Agril,

121. Uddhav Punjaji Phopse
Age-major, Occu-Agril,

122. Ravindra Nanasaheb Yeole
Age-major, Occu-Agril,

123. Shobha Dnyaneshwar Phopse
Age-major, Occu-Agril,

124. Sheetal Abasaheb Yeole
Age-major, Occu-Agril,

125. Dnyaneshwar Uddhav Phopse
Age-major, Occu-Agril,

126. Sanjay Dagdu Jangale
Age-major, Occu-Agril,

127. Anita Sanjay Jangale
Age-major, Occu-Agril,

128. Vaishali Sitaram Gagare
Age-major, Occu-Agril,

129. Rahul Sitaram Gagare
Age-major, Occu-Agril,

130. Parasram Sitaram Gagare
Age-major, Occu-Agril,

131. Mahesh Bhausaheb Shelke
Age-major, Occu-Agril,

132. Sangita Bhausaheb Gagare
Age-major, Occu-Agril,

133. Shobha Thaksen Bankar
Age-major, Occu-Agril,

134. Sushila Annasaheb Yeole
Age-major, Occu-Agril,

135. Sunita Sanjay Bankar
Age-major, Occu-Agril,

136. Suman Sakharam Bankar
Age-major, Occu-Agril,

137. Rajendra Karbhari Shelar
Age-major, Occu-Agril,

138. Sanjay Karbhari Shelar
Age-major, Occu-Agril,

139. Sheetal Ramesh Raut
Age-major, Occu-Agril,

140. Rajendra Dagdu Jangale
Age-major, Occu-Agril,

141. Rupali Dattatrya Patare
Age-major, Occu-Agril,

142. Sarika Dattatrya Patare
Age-major, Occu-Agril,

143. Seema Gangadhar Jangale
Age-major, Occu-Agril,

144. Raosaheb Kondaji Yeole
Age-major, Occu-Agril,

145. Deleted

146. Indubai Chandrakant Jangale
Age-major, Occu-Agril,

147. Nirmala Uddhav Phopse
Age-major, Occu-Agril,

148. Nandabai Vijay Gagare
Age-major, Occu-Agril,

149. Vijay Parasram Gagare
Age-major, Occu-Agril,

150. Lata Bandu Gagare
Age-major, Occu-Agril,

151. Bandu Chaburao Gagare
Age-major, Occu- Agril,

152. Sindhubai Parasram Gagare
Age-major, Occu- Agril,

153. Nitin Bhausahab Gagare
Age-major, Occu- Agril,

154. Sachin Bhausahab Gagare
Age-major, Occu- Agril,

155. Ravindra Bhausahab Gagare
Age-major, Occu- Agril,

156. Nandabai Bapura Gagare
Age-major, Occu- Agril,

157. Chaburao Parasram Gagare
Age-major, Occu-Agril,

158. Shobha Sitaram Gagare

Age-major, Occu- Agril,

159. Sunil Baburao Gagare
Age-major, Occu- Agril,

160. Sheela Sunil Gagare
Age-major, Occu- Agril,

161. Bhausahab Kisan Gagare
Age-major, Occu- Agril,

162. Bebitai Bhausahab Gagare
Age-major, Occu- Agril,

163. Vijay Devram Gaike
Age-major, Occu- Agril,

164. Alka Vijay Gaike
Age-major, Occu- Agril,

165. Vinod Rajendra Gagare
Age-major, Occu- Agril,

166. Vitthal Balwant Musmade
Age-major, Occu- Agril,

167. Savita Santosh Musmade
Age-major, Occu- Agril,

168. Santosh Vitthal Musmade
Age-major, Occu- Agril,

169. Tarabai Vitthal Musmade
Age-major, Occu- Agril,

170. Sonali Vikas Kasane
Age-major, Occu- Agril,

171. Nirmala Balnath Pathak
Age-major, Occu- Agril,

172. Balnath Changdeo Pathak
Age-major, Occu- Agril,

173. Karbhari Umaji Shelar

Age-major, Occu-Agril,

174 Kusumbai Raosaheb Yeole
Age major, Occu- Agril

175. Bhimabai Raosaheb Yeole
Age-major, Occu- Agril,

176 Sagar Abasaheb Yeole
Age-major, Occu- Agril,

177. Yogesh Laxman Yeole
Age-major, Occu- Agril,

178. Anita Yogesh Yeole
Age-major, Occu- Agril,

179. Parigabai Sakhahari Yeole
Age-major, Occu-Agril,

180. Sanjay Bhausahab Nibe
Age-major, Occu-Agril,

181. Sharda Uddhav Phopse
Age-major, Occu- Agril,

182. Gokul Jagannath Dhawane
Age-major, Occu- Agril,

183. Alka Gokul Dhawane
Age-major, Occu- Agril,

184. Varsha Ranjit Kawade
Age-major, Occu- Agril,

185. Nitin Nivrutti Khandagale
Age-major, Occu- Agril,

186. Sagar Nivrutti Khandagale
Age-major, Occu- Agril,

187. Sagar Vijayrao Bhosale
Age-major, Occu- Agril,

188. Kishor Sambhaji Garude

Age-major, Occu- Agril,

189. Vilas Sambhaji Garude
Age-major, Occu- Agril,

190. Shakuntala Sambhaji Garude
Age-major, Occu- Agril,

191. Ranjeet Rambhau Kawade
Age-major, Occu-Agril,

192. Vijayraokisanrao Patil
Age-major, Occu- Agril,

193. Vaishali Vijayrao Patil
Age-major, Occu- Agril,

194. Nanda Pandit Kadhule
Age-major, Occu-Agril,

195. Avinash Baburao Dhanwate
Age-major, Occu- Agril,

196. Ashwini Avinash Dhanwate
Age-major, Occu-Agril,

197. Yogita Babasaheb Jadhav
Age-major, Occu- Agril,

198. Babasaheb Chandrabhan Jadhav
Age-major, Occu- Agril,

199. Bhausahab Annasaheb Kasar
Age-major, Occu- Agril,

200. Sunil Annasaheb Thete
Age-major, Occu- Agril,

201. Vrushali Nitin Ganjwe
Age-major, Occu- Agril,

202. Vastlabai Mohan Wagh
Age-major, Occu- Agril,

203. Shanta Ratnakar Tidke

Age-major, Occu- Agril,

204. Gayatri Vishal Tidke
Age-major, Occu- Agril,

205. Vishal Madhukar Tidke
Age-major, Occu- Agril,

206. Surekha Vaibhav Tidke
Age-major, Occu- Agril,

207. Radhika Yadav Tidke
Age-major, Occu- Agril,

208. Yadav Babasaheb Tidke
Age-major, Occu Agril,

209. Ganesh Ratnakar Tidke
Age-major, Occu-Agril,

210. Ratnakar Bapurao Tidke
Age-major, Occu- Agril,

211. Vilas Mohaniraj Kapse
Age-major, Occu- Agril.

212. Ranjana Mohan Wagh
Age-major, Occu- Agril,

213. Savita Vilas Kapse
Age-major, Occu- Agril,

214. Laxmi Babasaheb Tidke
Age-major, Occu- Agril,

215. Santosh Sarjerao Kharad
Age-major, Occu- Agril,

216. Jyoti Santosh Kharad
Age-major, Occu- Agril,

217. Pandit Namdeo Kadhule
Age-major, Occu- Agril,

218. Dnyandeo Devram Dabhade

Age-major, Occu- Agril,

219. Sandip Dnyandeo Dabhade
Age-major, Occu- Agril,

220. Santosh Dnyandeo Dabhade
Age-major, Occu- Agril,

221. Ashok tukaram Shelar
Age-major, Occu- Agril,

222. Jayshree Ashok Shelar
Age-major, Occu- Agril,

223. Swati Prakash Shirsath
Age-major, Occu- Agril,

224. Prakash Machindra Shirsath
Age-major, Occu- Agril,

225. Manisha Nitin Mungase
Age-major, Occu- Agril,

226. Bhausahab Mohan Wagh
Age-major, Occu- Agril,

227. Manisha Bhausahab Wagh
Age-major, Occu- Agril,

228. Pramod Nanasaheb Narwade
Age-major, Occu- Agril,

229. Vandana Vitthalrao Pawar
Age-major, Occu-Agril,

230. Jaya Sanjay Kote
Age-major, Occu- Agril,

231. Kamalbai Balasaheb Kote
Age-major, Occu- Agril,

232. Lata Pramod Narwade
Age-major, Occu- Agril,

233. Kishor Asaram Bahirwat

Age-major, Occu- Agril,

234. Satish Prabhakar Joshi
Age-major, Occu- Agril,

235. Vijay Hanuman Shinde
Age-major, Occu- Agril,

236. Padambai Vijay Shinde
Age-major, Occu- Agril,

237. Ashok Bhaurao Kasar
Age-major, Occu- Agril,

238. Komal Santosh Chaware
Age-major, Occu- Agril,

239. Santoshrao Popatrao Chaware
Age-major, Occu- Agril,

240. Nitin Rambhau Ganjawe
Age-major, Occu- Agril,

241. Ramesh Anubhav Shinde
Age-major, Occu- Agril,

242. Deepak Vijay Shinde
Age-major, Occu-Agril.

243. Mangalbai Ramesh Shinde
Age-major, Occu- Agril,

244. Sakharam Hanuman Shinde
Age-major, Occu- Agril,

245. Manjulabai Ramesh Shinde
Age-major, Occu- Agril,

246. Ajeet Prakash Kasane
Age-major, Occu- Agril,

247. Sunil Bhausahab Kasane
Age-major, Occu- Agril,

248. Anil Bhausahab Kasane

Age-major, Occu- Agril,

249. Vikas Damuanna Kasane
Age-major, Occu- Agril,

250. Pallavi Santosh Aher
Age-major, Occu- Agril,

251. Lata Raibhan Aaher
Age-major, Occu- Agril,

252. Pallavi Satish Bhungarkar
Age-major, Occu- Agril,

253. Nikita Shahaji Bhungarkar
Age-major, Occu- Agril,

254. Anuja Santosh Joshi
Age-major, Occu- Agril,

255. Pratik Satish Joshi
Age-major, Occu- Agril,

256. Gorakh Balasaheb Khurud
Age-major, Occu- Agril,

257. Deepak Balasaheb Kote
Age-major, Occu- Agril,

258. Shobha Deepak Kote
Age-major, Occu- Agril,

259. Sanjay Balasaheb Kote
Age-major, Occu-Agril,

260 Priyanka Deepak Aaher
Age-major, Occu- Agril,

261. Manoj Ashokrao Kasane
Age-major, Occu-Agril,

262. Deelip Baburao Kasane
Age-major, Occu- Agril,

263. Deelip Balasaheb Aaher

Age-major, Occu- Agril,

264. Satish Raibhan Aaher
Age-major, Occu-Agril,

265. Usha Balasaheb Aaher
Age-major, Occu- Agril,

266. Priyanka Damuanna Kasane
Age-major, Occu- Agril,

267. Pratibha Prakash Kasane
Age-major, Occu- Agril,

267. Jyoti Machindra Kasane
Age-major, Occu- Agril,

468. Damu Anna Kasane
Age-major, Occu- Agril,

469. Prakash Damuanna Kasane
Age-major, Occu- Agril,

270. Shakuntaba Bhausahab Nibhe
Age-major, Occu- Agril,

271. Raju Sakharam Shinde
Age-major, Occu- Agril,

272. Aashabai Raju Shinde
Age-major, Occu- Agril,

273. Rani Ramesh Shinde
Age-major, Occu- Agril,

274. Bhavana Satish Joshi
Age-major, Occu- Agril,

275. Deleted

276. Usha Shahaji Ghugarkar
Age-major, Occu-Agril,

277. Pravin Bhausahab Kasane
Age-major, Occu-Agril,

278. Shivraj Shahaji Ghugarkar
Age-major, Occu-Agril,

279. Amar Bhaskarrao Kokane
Age-major, Occu-Agril,

280. Manisha Amar Kokane
Age-major, Occu-Agril.

281. Rupali Ramesh Narode
Age-major, Occu- Agril,

282. Mahesh Nanasaheb Narode
Age-major, Occu- Agril,

283. Vaibhav Madhukar Tidke
Age-major, Occu- Agril,

284. Vilas Rambhau Jadhav
Age-major, Occu- Agril,

285. Rohini Bhaurao Sawant
Age-major, Occu- Agril,

286. Ravi Amrut Bodkhe
Age-major, Occu- Agril,

287. Ajeet Babasaheb Jadhav
Age-major, Occu- Agril,

288. Sudhakar Ambadas Patare
Age-major, Occu- Agril,

289. Ashabai Ramsha Nagale
Age-major, Occu- Agril,

290. Bhausahab Eknath Bodkhe
Age-major, Occu- Agril,

291. Anil Babasaheb Gaikwad
Age-major, Occu- Agril,

292. Suraj Gorakshanath Kokane
Age major, Occu-Agril.

293. Rahul Rewannath Kokane
Age major, Occu- Agril,
294. Ganesh Balasaheb Kokane
Age-major. Occu-Agril,
295. Prakash Mohan Wagh
Age-major, Occu- Agril,
296. Sunil Abasaheb Yeole
Age-major, Occu- Agril,
297. Sangita Abasaheb Yeole
Age-major, Occu- Agril,
298. Pratik Dnyaneshwar Phopse
Age-major, Occu-Agril,
299. Kaushalyabai Uddhav Phopse
Age-major, Occu- Agril,
300. Sunita Rajendra Kapse
Age-major, Occu- Agril,
301. Kavita Janardhan Mhase
Age-major, Occu- Agril,
302. Mona Uddhav Phopse
Age-major, Occu- Agril,
303. Sonali Balasaheb Shelke
Age-major, Occu- Agril,
304. Komal Dattatraya Kapse
Age-major, Occu- Agril,
305. Sanjeevani Abasaheb Kapse
Age-major, Occu- Agril,
306. Abasaheb Yeshwant Kapse
Age-major, Occu- Agril,
307. Muktabai Yeshwant Kapse
Age-major, Occu- Agril,

308. Sunita Rajendra Kapse
Age-major, Occu- Agril,
309. Sangeeta Deelip Gaike
Age major. Occu- Agril,
310. Rushikesh Anil Dhage
Age-major. Occu-Agril,
311. Nitin Ashok Dhage
Age-major, Occu- Agril,
312. Akshay Vijay Gaike
Age-major, Occu- Agril,
313. Mohini Shankar Shete
Age-major, Occu- Agril,
314. Shankar Sopan Shete
Age-major, Occu- Agril,
315. Kalpana Sudam Gaike
Age-major, Occu- Agril,
316. Venubai kashiram Gaike
Age-major, Occu- Agril,
317. Yashoda Deelip Gaike
Age-major, Occu- Agril,
318. Kavita Janardhan Mhase
Age-major, Occu- Agril,
319. Yeshwant Prabhakar Mhase
Age-major, Occu- Agril,
320. Janardhan Prabhakar Mhase
Age-major, Occu- Agril,
321. Prabhakar Vishwanath Mhase
Age-major, Occu- Agril,
322. Kavita Sunil Kapse
Age-major, Occu- Agril,

323. Chaya Ashok Dhage
Age-major, Occu- Agril,
324. Ashwnini Anil Dhage
Age-major, Occu- Agril,
325. Nikita Ashok Dhage
Age-major, Occu- Agril,
326. Anil Shivram Dhage
Age-major, Occu-Agril,
327. Ashok Shivram Dhage
Age-major. Occu- Agril,
328. Gangubai Raosaheb Kapse
Age-major, Occu- Agril,
329. Nikhil Ashok Dhage
Age-major. Occu-Agril,
330. Mohan Sarjerao Kapse
Age-major, Occu- Agril.
331. Siddharth Arun Gaike
Age-major, Occu-Agril.
332. Kedarnath Shivaji Ghawate
Age-major, Occu- Agril,
333. Rushikesh Shivaji Ghawate
Age-major, Occu- Agril.
334. Mangal Shivaji Ghawate
Age-major, Occu- Agril,
335. Shivaji Surchand Ghawate
Age-major, Occu- Agril,
336. Sulochana Ramdas Agade
Age-major, Occu- Agril,
337. Swapnil Ramdas Aagde
Age-major, Occu- Agril,

338. Dipti Ramdas Aagde
Age-major, Occu- Agril,
339. Suhasini Ramdas Aagde
Age-major, Occu- Agril,
340. Ramdas Ranghnath Aagde
Age-major, Occu- Agril,
341. Pramodini Kundalik Zirpe
Age-major, Occu- Agril,
342. Saili Kundalik Zirpe
Age-major, Occu- Agril,
343. Sochal Kundalik Zirpe
Age major, Occu- Agril,
344. Dinmesh Kundalik Zirpe
Age major. Occu-Agril,
345. Kundalik Baburao Zirpe
Age-major, Occu-Agril.
346. Vastala Shivram Dhage
Age-major. Occu-Agril,
347. Sudam Kashinath Gaike
Age-major, Occu-Agril,
348. Deelip Kashinath Gaike
Age-major, Occu- Agril,
349. Kashiram Rambhau Gaike
Age-major, Occu-Agril,
350. Deepak Prabhakar Gaike
Age-major, Occu- Agril,
351. Mandakini Madhukar Tidke
Age-major, Occu-Agril,
352. Madhukar Bapurao Tidke
Age-major, Occu- Agril,

353. Manikrao Bapurao Tidke
Age-major, Occu- Agril,

354. Chandrakala Manikrao Tidke
Age-major, Occu- Agril,

355. Vishal Arjun Gore
Age-major, Occu- Agril,

356. Aaipini Vishal Gore
Age-major, Occu- Agril,

357. Mangal Arjun Gore
Age-major, Occu- Agril,

358. Sharda Appasaheb Gawade
Age-major, Occu- Agril,

359. Appasaheb Gopinath Gawade
Age-major, Occu- Agril,

360. Vimal Pradeep Gaike
Age-m major, Occu Agril,

361. Pradip Dapura Gaike
Age-major, Occu- Agril,

362. Manisha Prakash Gaike
Age-major, Occu- Agril,

363. Prakash Ganpat Gaike
Age-major, Occu- Agril,

364. Pratap Raosaheb Kapse
Age-major, Occu- Agril,

365. Lahanbai Prakash Gund
Age-major, Occu- Agril.

366. Praskash Nivrutti Gund
Age-major, Occu- Agril,

367. Neyhabai Annasaheb Thete
Age-major, Occu- Agril,

368. Annasaheb Govind Thete
Age-major, Occu- Agril,

369. Manikrao Balasaheb Khurud
Age-major, Occu- Agril,

370. Ramesh Ganpat Jagtap
Age-major, Occu- Agril,

371. Surekha Ramesh Jagtap
Age-major, Occu- Agril,

372. Antonan Fransis Bhalerao
Age-major, Occu- Agril,

373. Lata Jalindar Takte
Age-major, Occu- Agril,

374. Jalindar Ramchandra Takte
Age-major, Occu- Agril,

375. Bhaurao Murlidhar Kasar
Age-major, Occu- Agril,

376. Babab Ramchandra Shinde
Age-major, Occu- Agril,

377. Anita Uttam Game
Age major, Occu- Agril.

378. Bebi Madhukar Ghare
Age-major, Occu- Agril,

379. Bhausahab Madhav Sawant
Age-major, Occu- Agril,

380. Sunita Hemant Bahirwat
Age-major, Occu- Agril,

381. Ganesh Bhaskarrao Gholap
Age-major, Occu- Agril,

382. Kishor Bhaskarrao Gholap
Age-major, Occu- Agril,

383. Raosaheb Sitaram Gholap
Age-major, Occu- Agril,
384. Bhakarrao Sitaram Gholap
Age-major, Occu- Agril,
385. Somnath Raosaheb Gholap
Age-major, Occu- Agril,
386. Balasaheb Denial Shinde
Age-major, Occu- Agril,
387. Surekha Balasaheb Shinde
Age-major, Occu- Agril,
388. Kailash Janardhan Bansod
Age-major, Occu- Agril,
399. Sandeep Baban Shinde
Age-major, Occu- Agril,
400. Bhausahab Baban Shinde
Age-major, Occu- Agril,
401. Kadubai Baban Shinde
Age-major, Occu- Agril,
402. Savita Somnath Shinde
Age-major, Occu- Agril,
403. Vitthal Mohanrao Pawar
Age-major, Occu- Agril,
404. Usha Kishor Vidhate
Age-major, Occu-Agril,
405. Hemant Aasaram Bahirwat
Age-major, Occu- Agril,
406. Vithoba Raosaheb Ghode
Age-major, Occu-Agril,
407. Arjun Madhav Gore
Age-major, Occu- Agril,

408. Shrikant Fransis Bhalerao
Age-major, Occu- Agril,

409. Bapurao Fransis Bhalerao
Age-major, Occu- Agril,

410. Sangita Somnath Shinde
Age-major, Occu- Agril,

All R/o Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar

411. The Administrator,
Taklibhan, V.K.S.S.S. Ltd.
Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar.

..Respondents

**WITH
WRIT PETITION NO.1580 OF 2017
WITH
CIVIL APPLICATION NO.10811 OF 2023**

Rahul S/o Appasaheb Patore,
Age – 37 years, Occu. Agril,
R/o Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar.

... Petitioner.

Versus

1. The Hon'ble Minister (State),
Co-operation Department,
Mantralaya Mumbai-32.

2. The Divisional Joint Registrar,
Cooperative Societies, Nashik,
Division, Nashik

3. The Assistant Registrar,
Cooperative Societies, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar.

4. The Administrator,
Taklibhan, V.K.S.S.S. Ltd.

Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar.

5. Bebitai Dadasaheb Shejul
Age-major, Occu-Agril,

6. Ganesh Appasaheb Shinde
Age-major, Occu-Agril,

7. Annasaheb Mohan Shelke
Age-major, Occu-Agril,

8. Smita Sainath Khandagale
Age-major, Occu-Agril,

9. Yamunabai Sundarbapu Khandagale
Age-major, Occu-Agril,

10. Anita Navnath Khandagale
Age-major, Occu-Agril,

11. Ajinkya Devidas Kokane
Age-major, Occu-Agril,

12. Vijay Devidas Kokane
Age-major, Occu-Agril,

13. Kishor Machindra Lad
Age-major, Occu-Agril,

14. Suresh Machindra Lad
Age-major, Occu-Agril,

15. Sharad Anil Khandagale
Age-major, Occu-Agril,

16. Kavita Sunil Khandagale
Age-major, Occu-Agril,

17. Vrushali Ajit Khandagale
Age-major, Occu-Agril,

18. Jyoti Narendra Khandagale
Age-major, Occu-Agril,

19. Tai Vishnupanth Khandagale
Age-major, Occu-Agril,
20. Divyani Vishnupanth Khandagale
Age-major, Occu-Agril,
21. Anil Kashinath Khandagale
Age-major, Occu-Agril,
22. Sunil Kashinath Khandagale
Age-major, Occu-Agril,
23. Ninnath Gokuldas Khandagale
Age-major, Occu-Agril,
24. Ravindra Tulshidas Khandagale
Age-major, Occu-Agril,
25. Alka Tulshidas Khandagale
Age-major, Occu-Agril,
26. Prabhabai Gokuldas Khandagale
Age-major, Occu-Agril,
27. Abhijeet Dattatrya Kapse
Age-major, Occu-Agril,
28. Priyanka @ Rani Ajit Bodkhe
Age-major, Occu-Agril,
29. Vandana Dattatraya Kapse
Age-major, Occu-Agril,
30. Pragyabai Shankar Dukre
Age-major, Occu-Agril,
31. Janabai Madhukarrao Dukre
Age-major, Occu-Agril,
32. Pallavi Ratnakar Ranware
Age-major, Occu-Agril,
33. Deepika Ratnakar Ranware
Age-major, Occu-Agril,

34. Bharti Ratnakar Ranware
Age-major, Occu-Agril,
35. Pramod Ratnakar Ranware
Age-major, Occu-Agril,
36. Mayuri Rahul Kokane
Age-major, Occu-Agril,
37. Satish Laxman Ranware
Age-major, Occu-Agril,
38. Suresh Kachru Gaikwad
Age-major, Occu-Agril,
39. Vijay Kachru Gaikwad
Age-major, Occu-Agril,
40. Rajendra Annasaheb Shelke
Age-major, Occu-Agril,
41. Keru Chadidas Jadhav
Age-major, Occu-Agril,
42. Bhagyashree Ganesh Nagale
Age-major, Occu-Agril,
43. Babasaheb Prakash Bodkhe
Age-major, Occu-Agril,
44. Deepali Yogesh Magar
Age-major, Occu-Agril,
45. Anil Laxman Chitale
Age-major, Occu-Agril,
46. Sunil Laxman Chitale
Age-major, Occu-Agril,
47. Renuka @ Bharti Anil Chitale
Age-major, Occu-Agril,
48. Jayshree Laxman Chitale
Age-major, Occu-Agril,

49. Appasaheb Jairam Shinde
Age-major, Occu-Agril,
50. Rekha Rajendra Kapse
Age-major, Occu-Agril,
51. Vandana Ratnakar Dukre
Age-major, Occu-Agril,
52. Anuja Swapnil Dukre
Age-major, Occu-Agril,
53. Sangita Machindra Dukre
Age-major, Occu-Agril,
54. Machindra Dattatraya Dukre
Age-major, Occu-Agril,
55. Mandabai Bahirunath Nagale
Age-major, Occu-Agril,
56. Chandrakala Bahirunath Nagale
Age-major, Occu-Agril,
57. Kaveri Bahirunath Nagale
Age-major, Occu-Agril,
58. Neelima Sudhakar Patare
Age-major, Occu-Agril,
59. Mangal Devidas Kokane
Age-major, Occu-Agril,
60. Ramnath Bahirunath Nagale
Age-major, Occu-Agril,
61. Ramesh Sopan Mate,
Age-major, Occu-Agril,
62. Prashant Raosaheb Kapse
Age-major, Occu-Agril,
63. Pratap Raosaheb Kapse
Age-major, Occu-Agril,

64. Shital Pradip Gaware,
Age-major, Occu-Agril,
65. Sudhakar Ambadas Patare
Age-major, Occu-Agril,
66. Shakuntala Sambhaji Garule
Age-major, Occu-Agril,
67. Janabai Kushaba Pawar
Age-major, Occu-Agril,
68. Ravi Amrut Bodkhe
Age-major, Occu-Agril,
69. Asha Ramesh Bodkhe
Age-major, Occu-Agril,
70. Harsh Sarjerao Kapse
Age-major, Occu-Agril,
71. Chandrakala Appsaheb Shinde
Age-major, Occu-Agril,
72. Bhawana Satish Joshi
Age-major, Occu-Agril,
73. Sumit Rajendra Kapse
Age-major, Occu-Agril,
74. Vijayanti Rajendra Kokane
Age-major, Occu-Agril,
75. Popat Sitaram Kolase
Age-major, Occu-Agril,
76. Mahesh Sitaram Ghagre
Age-major, Occu-Agril,
77. Pramod Rajendra Ghagre
Age-major, Occu-Agril,
78. Sangita Raosaheb Todmal
Age-major, Occu-Agril,

79. Raosaheb Sampatrao Todmal
Age-major, Occu-Agril,
80. Santosh Balnath Pathak
Age-major, Occu- Agril,
81. Sumitra Suryabhan Garje
Age-major, Occu- Agril,
82. Ravindra Vishwanath Gondkar
Age-major, Occu- Agril,
83. Sumanbai Vishwanath Gondkar
Age-major, Occu- Agril,
84. Mukund Vishwanath Gondkar
Age-major, Occu- Agril,
85. Yogita Ravindra Gondkar
Age-major, Occu- Agril,
86. Shraddha Mukund Gondkar
Age-major, Occu- Agril,
87. Laxmibai Bhausahab Shinde
Age-major, Occu- Agril,
88. Bhausahab Jairam Shinde
Age-major, Occu- Agril,
89. Lata Dnyandeo Dabhade
Age-major, Occu- Agril,
90. Sanjeevani Sanjay Nawale
Age-major, Occu- Agril,
91. Kanta Ashok Nawale
Age-major, Occu- Agril,
92. Sanjay Murlidhar Nawale
Age-major, Occu- Agril,
93. Shweta Dinesh Jadhav
Age-major, Occu- Agril,

94. Lalita Baban Musmade
Age-major, Occu- Agril,
95. Swati Ravindra Musmade
Age-major, Occu- Agril,
96. Sindhu Prakash Musmade
Age-major, Occu- Agril,
97. Dyandeo Ashok Kandalkar
Age-major, Occu- Agril,
98. Pramod Shivaji Gaware
Age-major, Occu- Agril,
99. Alka Dattatraya Gaware,
Age-major, Occu- Agril,
100. Dattatraya Yamnath Jangale,
Age-major, Occu- Agril,
101. Dagdu Ganpat Thaksan
Age-major, Occu- Agril,
102. Kailash Dnyandeo Gaware
Age-major, Occu- Agril,
103. Ravindra Prakash Musmade
Age-major, Occu- Agril,
104. Prakash Balwant Musmade
Age-major, Occu- Agril,
105. Sanjay Dagdu Jangale,
Age-major, Occu- Agril,
- 106 Anita Sanjay Jangale,
Age-major, Occu- Agril,
107. Mahesh Bhausahab Shelke,
Age-major, Occu- Agril,
108. Shobha Thaksan Bankar,
Age-major, Occu- Agril,

109. Rajendra Karbhari Shelar,
Age-major, Occu- Agril,

110. Sanjay Karbhari Shelar
Age-major, Occu- Agril,

111. Rajendra Dagdu Jangale,
Age-major, Occu- Agril,

112. Vijay Parasram Gagare,
Age-major, Occu- Agril,

113. Alka Vijay Gagare,
Age-major, Occu- Agril,

114. Vitthal Balwant Musmade,
Age-major, Occu- Agril,

115. Tarabai Vitthal Musmade,
Age-major, Occu- Agril,

116. Karbhari Jababji Shelar
Age-major, Occu- Agril,

117. Varsha Ranjit Kavade,
Age-major, Occu- Agril,

118. Sagar Vijayrao Bhosale,
Age-major, Occu- Agril,

119. Kishor Sambhaji Garude
Age-major, Occu- Agril,

120. Vilas Sambhaji Garude
Age-major, Occu- Agril,

121. Ranjeet Rambhau Kawade
Age-major, Occu- Agril,

122. VijayraoKisanrao Patil
Age-major, Occu- Agril,

123. Vaishali Vijayrao Patil
Age-major, Occu- Agril,

124. Vastlabai Mohan Wagh
Age-major, Occu- Agril,

125. Shanta Ratnakar Tidke
Age-major, Occu- Agril,

126. Gayatri Vishal Tidke
Age-major, Occu- Agril,

127. Vishal Madhukar Tidke
Age-major, Occu- Agril,

128. Surekha Vaibhav Tidke
Age-major, Occu- Agril,

129. Vaibhav Madhukar Tidke
Age-major, Occu- Agril,

130. Radhika Yadav Tidke
Age-major, Occu- Agril,

131. Yadav Babasaheb Tidke
Age-major, Occu- Agril,

132. Ganesh Ratnakar Tidke
Age-major, Occu- Agril,

133. Ratnakar Bapurao Tidke
Age-major, Occu- Agril,

134. Vilas Mohaniraj Tidke,
Age-major, Occu- Agril,

135. Ranjana Mohan Wagh
Age-major, Occu- Agril,

136. Savita Vilas Kapse
Age-major, Occu- Agril,

137. Laxmi Babasaheb Tidke
Age-major, Occu- Agril,

138. Santosh Sarjerao Kharad
Age-major, Occu- Agril,

139. Jyoti Santosh Kharad
Age-major, Occu- Agril,
140. Dnyandeo Devrao Dabhade
Age-major, Occu- Agril,
141. Sandip Dnyandeo Dabhade
Age-major, Occu- Agril,
142. Santosh Dnyandeo Dabhade
Age-major, Occu- Agril,
143. Ashok Tukaram Shelar
Age-major, Occu- Agril,
144. Jayshree Ashok Shelar
Age-major, Occu- Agril,
145. Manisha Nitin Mungase
Age-major, Occu- Agril,
146. Bhausahab Mohan Wagh
Age-major, Occu- Agril,
147. Manisha Bhausahab Wagh
Age-major, Occu- Agril,
148. Jaya Sanjay Kote
Age-major, Occu- Agril,
149. Kamalbai Balasaheb Kote
Age-major, Occu- Agril,
150. Satish Prabhakar Joshi
Age-major, Occu- Agril,
151. Pallavi Santosh Aher
Age-major, Occu- Agril,
152. Lata Raibhan Aaher
Age-major, Occu- Agril,
153. Pallavi Satish Ghungarkar
Age-major, Occu- Agril,

154. Nikita Shahaji Bhungarkar
Age-major, Occu- Agril,

155. Anuja Santosh Joshi
Age-major, Occu- Agril,

156. Pratik Satish Joshi
Age-major, Occu- Agril,

157. Deepak Balasaheb Kote
Age-major, Occu- Agril,

158. Shobha Deepak Kote
Age-major, Occu- Agril,

159. Sanjay Balasaheb Kote
Age-major, Occu- Agril,

160. Priyanka Deepak Aaher
Age-major, Occu- Agril,

161. Dipak Balasaheb Aaher
Age-major, Occu- Agril,

162. Satish Raibhan Aaher
Age-major, Occu- Agril,

163. Usha Balasaheb Aaher
Age-major, Occu- Agril,

164. Usha Shahaji Ghugarkar
Age-major, Occu- Agril,

165. Shivraj Shahaji Ghugarkar
Age-major, Occu- Agril,

166. Vilas Rambhau Jadhav
Age-major, Occu- Agril,

167. Ajeet Babasaheb Jadhav
Age-major, Occu- Agril,

168. Suraj Gorakshanath Kokane
Age-major, Occu- Agril,

169. Rahul Rewannath Kokane
Age-major, Occu- Agril,

170. Ganesh Balasaheb Kokane
Age-major, Occu- Agril,

171. Prakash Mohan Wagh
Age-major, Occu- Agril,

172. Sonali Balasaheb Shelke
Age-major, Occu- Agril,

173. Komal Dattatraya Kapse
Age-major, Occu- Agril,

174. Sanjeevani Abasaheb Kapse
Age-major, Occu- Agril,

175. Abasaheb Yeshwant Kapse
Age-major, Occu- Agril,

176. Muktabai Yeshwant Kapse
Age-major, Occu- Agril,

177. Sangeeta Dipak Gaike
Age-major, Occu- Agril,

178. Rushikesh Anil Dhage
Age-major, Occu- Agril,

179. Nitin Ashok Dhage
Age-major, Occu- Agril,

180. Akshay Vijay Gaike
Age-major, Occu- Agril,

181. Mohini Shankar Shete
Age-major, Occu- Agril,

182. Shankar Sopan Shete
Age-major, Occu- Agril,

183. Kavita Sopan Shete,
Age-major, Occu- Agril,

184. Chaya Ashok Dhage
Age-major, Occu- Agril,
185. Nikita Ashok Dhage
Age-major, Occu- Agril,
186. Ashwnini Anil Dhage
Age-major, Occu- Agril,
187. Anil Shivram Dhage
Age-major, Occu- Agril,
188. Ashok Shivram Dhage
Age-major, Occu- Agril,
189. Gangubai Raosaheb Kapse
Age-major, Occu- Agril,
190. Nikhil Ashok Dhage
Age-major, Occu- Agril,
191. Siddhant Arun Gaike
Age-major, Occu- Agril,
192. Kedarnath Shivaji Ghawate
Age-major, Occu- Agril,
193. Mangal Shivaji Ghawate
Age-major, Occu- Agril,
194. Shivaji Surchand Ghawate
Age-major, Occu- Agril,
195. Suchitra Ramdas Agale
Age-major, Occu- Agril,
196. Swapnil Ramdas Aagle
Age-major, Occu- Agril,
197. Suhasini Ramdas Angle
Age-major, Occu- Agril,
198. Ramdas Ranghnath Aagle
Age-major, Occu- Agril,

199. Pramodini Kundalik Zirpe
Age-major, Occu- Agril,

200. Sayli Kundalik Zirpe
Age-major, Occu- Agril,

201. Snehal Kundalik Zirpe
Age-major, Occu- Agril,

202. Kundalik Baburao Zirpe
Age-major, Occu- Agril,

203. Vastala Shivram Dhage
Age-major, Occu- Agril,

204. Mandakini Madhukar Tidke
Age-major, Occu- Agril,

205. Madhukar Bapurao Tidke
Age-major, Occu- Agril,

206. Manikrao Bapurao Tidke
Age-major, Occu- Agril,

207. Chandrakala Manikrao Tidke
Age-major, Occu- Agril,

208. Antonan Francis Bhalerao
Age-major, Occu- Agril,

209. Shrikant Francis Bhalerao
Age-major, Occu- Agril,

210. Bapurao Francis Bhalerao
Age-major, Occu- Agril,

211. Vithoba Ravsaheb Ghode,
Age-major, Occu- Agril,

Respondent No. 5 to 211
All R/o Taklibhan, Tq. Shrirampur,
Dist. Ahmednagar

..Respondents

...

Advocate for Petitioner : Mr. Mahesh S. Deshmukh a/w Mr. Rahul R. Karpe i/b Mr. S.S. Gangakhedkar

AGP for Respondents/State : Mr. S.N. Kendre

Advocate for Respondent Nos.5 to 211 in WP/1580/2017 &
Respondent No.51 in WP/4196/2016 : Mr. V.D. Hon, Senior
Counsel i/b Mr. A.V. Hon

Advocate for Respondent Nos.4 & 6 : Mr. V.H. Dighe

Advocate for Respondent No.5 : Mr. P.P. Khandagale Patil

Advocate for Applicant in CA/15009/2022 : Mr. D.J. Choudhary

Advocate for Applicant in CA/10811/2022 : Mr. Vivek V. Kabade

Advocate for Applicant in CA/16284/2022 : Mr. A.B. Kale

...

CORAM : S.G. MEHARE, J.

RESERVED ON : APRIL 04, 2024

PRONOUNCED ON : APRIL 30, 2024

JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. Petitioner, Rahul Patare has filed these two Writ Petitions. In Writ Petition No.4196 of 2016, he has impugned the order dated 06.04.2016 of respondent no.4/ /The District Deputy Registrar Co-Operative Societies, Ahmednagar.

3. The prayers in this writ petition read thus :

“B. Issue writ of certiorari or any other writ or direction in the like nature thereby kindly quashed and set aside the impugned order dated 06.04.2016 passed by the present respondent no.4-District Deputy Registrar Cooperative Society, Ahmednagar and consequently the said application filed by the petitioner on 06.04.2016 thereby sought deletion of 393 person from the final voter list and further necessary

order to that effect to the present respondent no.6 – Returning Officer.”

4. This Court, by order dated 07.04.2016, decided the prayer clause (C) and (D). The relevant portion of the order reads thus :

"In the polling scheduled on 10-04-2016, the votes cast by added respondents (total 393 deleted members) shall be kept in a separate ballot box. However, counting and declaration of results be deferred till next date."

5. By way of amendment, the Petitioner added the following prayer clause :

“(B-1). By an order of this Hon’ble Court in the like nature of writ or any other appropriate order, kindly quashed and set aside the impugned order dated 11.08.2016 passed by respondent no.1 in Appeal No.A-199/2016.”

6. In another Writ Petition No.1580 of 2017, he made the following prayer :

"B. Issue writ of certiorari or any other writ or direction in the like nature thereby kindly quash and set aside the impugned order dated 03.01.2017 passed by the present respondent no.1 – Hon'ble Minister for Cooperation Department (State) in Revision Application No.764/2016."

7. The brief facts of the case were that the Petitioner was the member of the Taklibhan Vividh Karyakari Seva Sahakari Sanstha Ltd, Taklibhan, Taluka Shrirampur, District Ahmednagar,

the respondent no.5. Respondent no.5 is the Registrar Society under the Maharashtra Co-operative Societies Act 1960 ('Act 1960' for short) having its approved bye-laws on the competent authority. Four hundred fourteen persons were removed from the membership registers as they were not agriculturists nor residents of Taklibhan Village. Respondent no.5 had impugned the order of respondent no.3, deleting 414 persons by a Revision Application No.123/2015 before respondent no.2/Divisional Joint Registrar, Nashik Division Nashik. Respondent No.2 stayed the order of Respondent No.3. During the intervening period, Respondent No. 4 issued the election program for preparing the voters list on 02.02.2015.

8. Respondent no.5 succeeded in protracting the revision hearing before respondent No.2. Therefore, the Petitioner was constrained to file Writ Petition No.1663/2016. The said writ petition was disposed of on 09.02.2016, directing Respondent No.2 to dispose of the revision application before it within a stipulated time. Respondent no.2 belatedly allowed the said revision partly by order dated 04.06.2015 and remitted the matter to respondent no.3 for a fresh hearing.

9. Again, on 26.02.2016, respondent No.4 issued a final voter list for the election of respondent No.5 and declared the final election program on 04.03.2016. Since Respondent No.2 set aside

the order of Respondent No.3, the names of those 414 persons were included in the final voter list published on 26.02.2016. The Petitioner had filed another Writ Petition No.2835/2016 before this Court seeking direction against Respondent No.3 to dispose of the Application No.1/2014 (after the remand by respondent no.2). The High Court by order 10.03.2016 directed the Respondent No.3 to dispose of the application in a specific time. In view of the direction of the High Court, By order dated 06.04.2016, Respondent No.3 was directed to delete 393 persons (who are respondents herein) from the membership register of Respondent No.5. On the very same day of the order of Respondent no.3, the Petitioner moved an application before Respondent No.4 requesting him to delete those 393 persons from the final voters list. However, Respondent No.4 passed the impugned order.

10. The Petitioner has amended the petition as per the order of the Court dated 30.08.2016 and impugned the order of Respondent No.1 passed in Appeal Proceeding No. A-199/2016 dated 11.08.2016. The said order was assailed on the ground of no jurisdiction. Respondent No.1 had no powers to entertain the appeal against the appointment of the Administrator by Respondent No.2 on 24.05.2016. It has been submitted that the existing management committee, whose term expired on 07.05.2016, does not vest any right to continue in power.

Therefore, the order of Respondent No.1 dated 11.08.2016 is illegal and without any authority of law.

11. Respondent No.3 filed an affidavit in reply on 20.04.2016. He submitted that by his order dated 06.04.2016, he directed the deletion of 393 persons from the list of members. His affidavit in reply is just on the facts.

12. Respondent Nos. 201, 240, 365, 366, 238, 239, 381, 382, 383, 384, 385 have filed their submissions in Marathi. Their reply is a replica of each other's reply. In sum and substance, their contention is that they were members of Society, Respondent No.5. Their names should be continued in the voter list. The final voters list was not impugned. Respondent No.3 passed the order without notice to them. As per Section 22 of the Act of 1960, the membership is not seized or cancelled for one month after the order of Respondent No.3 under Sections 11 and 25 of the Act of 1960. They have cast their votes. The objection raised to their names in the voter list cannot be raised after ten days. The petition is not tenable.

13. He moved an application dated 06.04.2016 before Respondent no.4 to delete 393 persons who have been added as respondents in this writ petition be deleted from the voters list of the election of respondent no.5. Respondent no.3, the Assistant Registrar Co-operative Society, under his power under Section 11

and 25 of the Act 1960, ordered to delete the names of those 414 persons from the membership register of respondent no.5.

14. Brief facts of Writ Petition No.1580 of 2017 were similar to the facts of Writ Petition No.4196 of 2016. In this writ petition, the 393 persons whose names were deleted from the membership register by Respondent No.3 by order dated 06.04.2016 were impugned before Respondent No.2 by two revisions registered as Civil Revision Application Nos.79 and 80 of 2016. Respondent No.2, by order dated 24.08.2016, dismissed those revisions. His order was impugned before the Hon'ble Minister-respondent no.1. By order dated 03.01.2017, he has partly allowed the revisions and remitted the case to Respondent No.3 for a fresh decision by giving the opportunity to the petitioners.

15. The admitted facts of this case were that the election of Respondent No.5 was completed as per the schedule declared by Respondent No.4. The disputed members cast their votes. By order dated 07.04.2016, this Court had deferred the result of elections. Further, by order dated 07.03.2017, the order dated 07.04.2016 was modified to the extent of counting votes and not to the extent of declaration of results. The votes of the members about whose eligibility there is no dispute shall be counted, and also the votes of members about whose entitlement there is a

dispute shall be counted by preparing two separate lists, and this list by two separate envelopes and duly sealed under the authority of the returning officer be submitted to this Court on or before the next date.

16. It was further directed that the counting shall be conducted in the presence of the candidates and the representative of the candidates in accordance with the rules on 15.03.2017 at the place mentioned in the election program at 12.30 pm. It was clarified that the result of the counting shall not be declared, and only counting shall be done in the manner directed above, and the list be submitted accordingly in two separate sealed envelopes.

17. A common submission has been made by the respective counsels that the order dated 17.03.2017 has been complied with. The counting was done, and two separate lists duly sealed under the authority of the returning officer has been submitted to this Court.

18. Heard the respective counsels at length.

19. A small question that goes to the root of this case is whether 393 persons/respondents were eligible to be members of society/Respondent No.5. If not, can their names be deleted from the final voter list?

20. The next question would be whether the votes of these 393 (actual votes cast 255) so-called members should be counted or not.

21. Learned counsel for the Petitioner has vehemently argued that before the election program was declared, the objections were raised that those 414 persons could not be members of Respondent No.5 society. He reiterated the facts discussed in the above paragraphs. He submitted that, as per the bye-laws of the Society, those persons were not eligible to be members of the Society. They were correctly deleted from the register of members on two counts i.e; some of them were not the residents of the operational area of the village, and some of them had no agricultural lands. He referred to the order of Respondent No.3 and submitted that after due inquiry, he categorically divided those members who had proved their residence in village Taklibhan as having no residence and agricultural land in village Taklibhan. He has vehemently argued that the bye-laws of the Society prescribed the qualification to be a member of the Society. To become a member of the Society, the person willing to become a member must be a resident of the village Taklibhan and must have agricultural land within the village. He has vehemently argued that Respondent No.3 has power under Sections 11 and 25 of the Act of 1960 to examine the eligibility of the member of the

Society and delete the names of those persons who are not eligible to be a member of the Society. He supported the order of Respondent No.3 and submitted that he had correctly exercised his powers. The rest of his arguments were on the facts of preferring the revision, its decision, filing various writ petitions and the last impugned orders. He would submit that the order of the Hon'ble Minister is passed ex parte and referred to the said order, which is silent about granting a hearing to the Petitioner. He also vehemently argued that no revision lies against the order of respondent no.2 passed in Revision Application Nos.79 and 80. Therefore, the order of the Hon'ble Minister is also without jurisdiction. To bolster his arguments, he relied on the Shireen Sami Gadiali and another Vs. Spenta Co-operative Housing Society Ltd and others, 2011 (3) Mh.L.J. 486. He prayed to allow the petitions.

22. Learned senior counsel, Shri V.D. Hon, for all respondents whose names have been deleted, has vehemently argued that the Petitioner was not the voter. Hence, he is not entitled to object under Rule 11 of the MCS Rules. On 26.02.2016, the final list of voters was enlisted. Therefore, the voters who have entered the final voter list are entitled to cast a vote. He also reiterated the facts of the case. However, his further arguments were that since the election process was completed, the Petitioner

has the only remedy to raise the election dispute under Section 91 of the Act of 1960. Therefore, the election result should be declared first. He referred to Sections 11, 152 and 154 of the Act of 1960 and argued that Section 25A is the execution of Section 11. He further argued that where the election dispute is a remedy, the High Court cannot consider the same relief under writ jurisdiction. He further argued that the Hon'ble Minister had correctly remitted the matter to Respondent No.3 to decide the dispute afresh. He has given the dates of events in the Index dated 28.09.2017. He added that only the members of the Society have the right to object under Rule 11 of Election Rules, 2014. He further argued that the Petitioner was disqualified from being a member of the managing committee and the voter for the ensuing election under Section 71A (1)(2) of the Act 1960 and was responsible for misappropriating the fund of Society. Therefore, he was not named in the voter list. He added that the Hon'ble Supreme Court and this Court consistently viewed that the election cannot be interfered with once the election is set in motion. In the case of Ramkishan Shinde Vs. State of Maharashtra, 1994 Mh.L.J. 1115, this Court held that once the voters' list is published finally, any change in the voters' list is not permissible. Respondent No.3 cannot exercise the powers under Section 11 of the Act 1960 to alter the final voters' list once it is

published. In the case of Osmanabad Taluka Bhajipala Va Phale Utpadak Prakriya Sanstha Ltd and another Vs The Collector, Osmanabad and others, 1989 C.T.J. 45, the Division Bench of this Court held that it is not appropriate for the High Court to interfere with the election process at the intermediate stage i.e. after commencement of the election process and before the declaration of the results. In Ashok Keshavrao Sonar Vs. State of Maharashtra and others, 2002 (1) ALL M.R. 595, after considering Sections 25A and 35 of Act 1960, it is held that the petition itself is not maintainable in the midst of the election process and the proper remedy is election dispute. He further referred to the case of S.T. Muthuswani Vs. K. Natarajan, AIR 1988, SC 616, and argued that it has been held that under Article 226 of the Constitution of India, the High Court can not interfere in the midst of the election process, and the parties are to be directed to take appropriate efficacious remedy after declaration of the election results. Lastly, he referred to the case of Sant Sadguru Janardhan Swami (Moinguru Maharaj) Sahakari Dugdha Utpadak Sanstha Vs. State of Maharashtra, 2002 (1) Mh.L.J. 659 in which it has been held that the legality of the voter list cannot be gone into the midst of the election process, and the parties are to be left to take recourse of alternate remedy by way of election proceeding. In view of these submissions, he prayed to dismiss the petitions.

23. Learned Advocate Mr. Kale for the intervenors submitted that they have contested the election of Respondent no.5 society for the term from 2016 to 2021. Since this Court deferred the results of the election, therefore, in view of Section 73AAA (3) of the Act of 1960, the term of the managing committee commences from the day on which the result of the election will be declared and the term of the elected body would be from the date of the first meeting of such elected body. These applicants have also raised the objection to the locus of the Petitioner. He had challenged non-inclusion of his name in the voter list by Writ No.2836 of 2016. However, he withdrew it. In spite of these facts, he challenged the membership of 396 members. It is the prayer of the applicants that the dispute raised by the Petitioner created a mess, and the Society has no managing committee. Therefore, the matter would be heard on merit, and the result should be declared as soon as possible. It seems from the contents of the application and the arguments of learned counsel for the proposed intervenors that they have no arguable points. They just wanted to have a quick disposal of the writ petition. However, he added that once the final voter list is published, the eligibility and the legality of the members of the Society could not be examined under Section 11. He also added that the remedy to

the Petitioner is the election dispute under Section 91 of the Act of 1960.

24. Learned counsel Mr. Dighe for respondent nos.4 and 6 vehemently argued that Section 25A is not included in Section 152. Hence, there shall be no two revisions. There was sufficient evidence to believe that they did not reside in the village.

25. The locus of the Petitioner has been vehemently disputed on the ground that he was disqualified to be a managing committee member. Since financial responsibility was imposed upon him, he was not eligible to be a voter of the Society. Therefore, he has no locus to impugn the membership of the persons enlisted in the membership register.

26. To be a member and a voter are two distinct concepts. The voter is a member of the Society, but the member may not be the voter for the election. The respondents have not disputed that the Petitioner is a member of the Society. Needless to say that, every member of the Society has a right to question the membership of a person. Therefore, this Court does not find water in the argument of the learned counsel for respondents that the Petitioner has no locus to object to the membership of the voters who have been deleted from the register of members.

27. The vehement argument of learned senior counsel Mr. Hon goes towards the jurisdiction of this Court under Articles 226

and 227. Once the election process commences, the High Court can not interfere with the process under its extraordinary jurisdiction. In the case laws relied upon by him cited *supra*, the law is declared that once the election program has progressed to the advanced stage, the High Court should not exercise extraordinary jurisdiction. In the case, of Ramkishan (*supra*), it has been held that once the voter list is published, finally, any change in the voter list is not permissible. The Registrar cannot exercise powers under Section 11 of the Act of 1960 to alter the final voter list after its publication. In that case, after the final voter list was published, an application under Section 11 of the Act of 1960 was filed before the Registrar, contending that the voters included in the final list were not qualified. Under this premise, the above ratio has been laid down. This is the consistent view.

28. The facts of the case of Sant Sadguru (*supra*) were that the provisional electoral roll was published, and the objections were invited to the provisional electoral roll. The date of publication of the final voter list was also published. However, before the date of declaring the final voter list, the State Government had stayed the election of the Society on account of the rainy season. The State has also declared that where nomination papers have not yet been filed, the elections stand

postponed till 30.09.1999. The objections to the provisional electoral roll were filed and considered on the date scheduled for it. However, the Collector informed the concerned of the decision of the Government to postpone the election. However, some representations were made to the State Government to exempt the Society from the order postponing the elections. The Government accepted the representation of the Society and exempted it from the notification postponing the election. In view of the Government's directions, the Collector drew an election schedule for holding elections in the Society. At that stage, the petitioners filed a writ petition under Article 226 of the Constitution before the High Court praying to stay the order of the Collector drawing the election schedule after the Government exempted the Society. In this case, there was no dispute about the eligibility of the membership of the Society nor the final voter list. Under this premise, the High Court had declined to entertain the writ petition under Article 226 of the Constitution of India and the Hon'ble Supreme Court affirmed the view.

29. Per contra, learned counsel for the Petitioner relied on the case of Ahmednagar Zilla S.D.V. and P. Sangh Ltd and another Vs. State of Maharashtra and others, AIR 2004 SC 1329 and argued that the Hon'ble Supreme Court in para 4 has observed thus:

"4. In Sant Sadguru Janardhan Swami (supra) this Court made the aforementioned observations keeping in view the fact therein the voters' list was prepared in terms of the extant rules but certain irregularities were committed therein but where voter list has been prepared on the basis of non-existent rules the same would be illegal. "

30. In that case, the High Court directed to include the names of respondents in the electoral roll, which the Hon'ble Supreme Court held justified considering the peculiar fact that the appellant placed no material to show that the amendments in the bye-laws have been carried out in accordance with the law.

31. In brief, the dispute of the above case was that the general body meeting of the Society was held wherein it was proposed to amend the bye-laws. It was resolved in the said general body meeting that the milk supply societies to extent of 200 litres per day in 300 days for last three years will be categorized as Class 'A' societies. It was also resolved that the milk supplying societies with more than 50 litres of milk daily in 300 days for the last three years will be categorized as class 'B' societies, and the societies supplying less than 50 litres of milk for 300 days for the last three years will be categorized as class 'C' societies and it will be called as nominal members. The Divisional Deputy Registrar has approved the amendment of the aforesaid bye-laws. Accordingly, the voters' list was prepared for holding the

election to constitute the managing committee of the Society. The respondent had impugned the amendment before the Joint Registrar Co-operative Societies (Dairy). He allowed the appeal, holding that the amendment of bye-laws to be illegal and inasmuch as the same was issued without giving notice to the members. The revision against that order was also dismissed. The appellant preferred the writ petition before this Court. This Court also dismissed the writ petition. Under this premise, the question was whether the High Court ought to have entertained the writ petition by respondents or not take a back seat in the instant case as it was for the appellant herein to show that the amendments in the bye-laws have been carried out in accordance with the law. The Hon'ble Supreme Court affirmed the view of this Court.

32. Pursuant to the above view, the learned counsel for the Petitioner has argued that the writ petition is well maintained in the instant case as the provisional and final voter list was prepared on the basis of no qualification to become a member. He further argued that the source of the voter list is the membership register. The eligibility and qualification of the voter is decided on the basis of the qualifications provided in the bye-laws of the Society. Herein, the respondents claiming to be the voters were primarily not eligible to be members of the Society. Hence, adding them to the voter list is based on non-existent rules, and it is

illegal. Therefore, this Court may well exercise extraordinary jurisdiction.

33. He further relied on the case of Pundlik Vs. State of Maharashtra and others, (2005) 7 SCC 181 and referred para 9 of the said judgment. The facts in brief of the case were that the election program was declared, and the names of the representatives of the Society were invited. The name of Respondent No.7 as a delegate was sent. Thereafter the Collector declared the election program, mentioning that if the Society wanted to change the names of its delegates, it could do so, at the latest by 10.06.2005. Pursuant to the said communication from the Collector, the managing committee convened a meeting on 09.06.2005 and decided to send the names of the Petitioner as its delegates by passing an appropriate resolution. Respondent No. 7 had raised the dispute before the Cooperative Court which was pending. The appellant had a case that the Divisional Deputy Registrar, vide its communication dated 18.06.2005, to the Joint Registrar Co-operative Society informed that the resolution 7 of the Society was correct. Accordingly, the Collector finalized the voter list and published the voter list on 27.06.2005. By order dated 28.06.2005, the Collector informed the appellant that in the list of subjects of the meeting, there was no subject of changing the name of the representative of the Society and therefore, the

change of representative in the meeting dated 09.06.2005 was not proper. The appellant had impugned the said communication in the Writ Petition. The High Court dismissed the writ petition. Under this premise, the Hon'ble Supreme Court observed that on merits, it is true that the High Court of Bombay, in several cases, held that preparation of the voter's list is an integral process and the Court would not interfere at that stage. Strong reliance was placed on Sant Sadguru (supra) case. It was contended by the respondents that the preparation of the electoral roll is an interim stage in the process of election of the specified Society, and the Court should not stay or interfere with the said election process. The Hon'ble Supreme Court in para 9, has observed thus :

"9. We are unable to uphold the contention. In Sant Sadguru Janardhan Swami, this Court had an occasion to consider the relevant provisions of Act and Rules. Referring to section 144-X of the Act, the Court observed that preparation of voters list is one of the stages of election. It is true that according to this Court, normally the High Court would not interfere in exercise of powers under Article 226 of the Constitution at the stage of preparation of voters but such action must be in accordance with law."

34. The law laid down by the Hon'ble Supreme Court in the above case, if the action preparing the voter list is in accordance with law, the High Court would not interfere in the exercise of power under Article 226 of the Constitution. In other

words, it may be stated that the rules for preparing the voter list are followed. The High Court, under extraordinary jurisdiction, should not interfere in the process. However, the process of preparing the voter list is again not in accordance with the law. The High Court can very well exercise extraordinary jurisdiction under Article 226 of the Constitution of India. This Court, in the case of Ankita Gaurav Mungad and Others Vs. The State of Maharashtra and Others, Writ Petition No.511 of 2023, decided on 27.03.2023 observed that this being an election matter, this Court would be very slow in interfering with the election process. However, a large number of voters are sought to be deleted by impugned orders of respondent no.2 who traveled far beyond the scope of Rule 7 and lastly set aside the order deleting such large number of voters. He further relied on the case of Ankushbhau s/o Juglal Baghele and Ors Vs. State of Maharashtra and Ors, Writ Petition No.1686 of 2022 decided on 13.04.2022 (at Nagpur Bench) and argued that where the illegality is not minor or technical, the Writ Court cannot turn a blind eye and be a mute spectator and can very well exercise the extraordinary jurisdiction. In that case, on the day of filing the petition, the election process commenced, and during the pendency of the petition, the election process was significantly processed, and the stage of accepting the nomination form was over. In that writ petition, the order of the

District Election Officer deleting 50 names of the voters was also impugned. In that case, the case of *Dattatray Ganaba Lole and Ors Vs. Divisional Joint Registrar, Co-operative Societies and Ors, 2021 SCC Online Bombay 4578* was relied on. In the said judgment, in para 46, it was observed thus:

"46. The only circumstances in which the Courts would be inclined to interfere in a challenge to an election process at an intermediate stage would be when the order of action under challenge is patently and demonstrably illegal, such as, for example, by applying a non-existent rule or provision to the election process of failing to adhere to a mandatory provision. The intervention in such cases has been explained enabling or assisting the process of election rather than thwarting or stalling it. Also, one of the important aspects to consider is the precise stage of the election process and the delay, if any, in the filing of the petition. "

35. The Court on the above premise, held that the illegality is not of minor or technical nature and Writ Court cannot turn a blind eye and be a mute spectator on the jurisprudential logic that the election process has commenced and the writ Court ought to be loathe to interfere.

36. Once again, it is reiterated that eligibility to a member of the Society was challenged long before the election program was declared. However, during the pendency of that dispute, in the meantime the election process was declared.

37. The factual matrix of this case was that the Petitioner had preferred an appeal under Section 25A r/w 11 of Act 1960 on 04.08.2014 before Respondent No.3. He decided that appeal on 04.06.2015. The said order was assailed before Respondent No.2 under Section 154 of the Act of 1960 vide Revision Application No.123/2015. The Chairman and Secretary of the society/Respondent No.5 and 396 so-called members have impugned the said order. That appeal was decided on 24.02.2016. Respondent No.2 remitted the matter to Respondent No.3 for a fresh decision. During the pendency of that revision, the order of Respondent No.3 dated 04.06.2015 was stayed. Respondent No.3 again heard all the parties and decided the appeal on merit, declaring 337 members ineligible to be members of the Society by his judgment dated 06.04.2016. In interregnum, the provisional voter list was published on 03.02.2016. Since there was a stay to the earlier order of respondent No.3, all these members were enlisted in the voter list. The order dated 06.04.2016 was again assailed in revision No.79 of 2016 and 80 of 2016. Respondent No.2, by order dated 24.08.2016, dismissed the revisions and upheld the order of Respondent No.3. The members who are respondents here were not held eligible to be the member of the Society on the grounds that some of them were not the resident of the village and some of them have no agricultural land in the

village. The learned counsel for the Petitioner has correctly pointed out that till date, none of them have produced any evidence that they reside in the village and have lands in the village. None of the learned counsel disputed that the qualification to become a member of the Society was the residence of the area of the operation of the Society and have agricultural land within the area of the operation of the Society. None of the lawyers for respondents commented on it.

38. Section 11 of the Act of 1960 empowers the Registrar to decide whether the person is an agriculturist or not or whether any person resides in the area of the operation of the Society or not. Therefore, Respondent No.3 has correctly exercised the powers. Pursuant to the decision on the questions mentioned above under Section 25A of the Act 1960, the committee of the Society has to remove from the register of its members the names of persons who have ceased to be a member or who stand disqualified by or under the provisions of the Act or the rules made thereunder for being the member or the member continuing to be the member of the Society. Suppose the Society does not comply with the requirements of this section, in that case, the Registrar shall direct such Society to remove the name of such persons, and the Society shall be bound to comply with such directions.

39. It has been correctly argued by learned counsel Mr. Dighe for respondent Nos. 4 and 6 that Section 25A is the execution of the orders passed under Section 11. However, the dispute was pending before the revisional authority. As per the requisite qualifications, their names were listed on the voters list.

40. The question as raised is whether such persons who are primarily not eligible to be members of the Society can exercise their right to vote and, if they exercised their rights during the pendency of a dispute about their eligibility, if their vote is valid and legal. Obviously, the answer is no.

41. The impugned order of the Hon'ble Minister has also been assailed on the ground that there shall be no second revision against the order of respondent No.2. However, he exceeded its jurisdiction in passing the order under a revisional jurisdiction.

42. The Full Bench of this Court in Shireen Sami (supra), has occasion to deal with the revisional jurisdiction of the State Government and the Registrar. Respondent No.2 has exercised the revisional power under Section 154 of the Act of 1960. The brief facts of the above case were that the recovery certificate granted by the Deputy Registrar under Section 101 of Act 1960, was impugned under Section 154 of the Act before Divisional Joint Registrar. He allowed that revision and set aside the order of the Deputy Registrar. The Petitioner had challenged that order by

filing the revision under Section 154 before the State Government. State Government by order dated 19.07.2010, held that the revision against the order of Divisional Joint Registrar before the State Government under the provisions of Section 154 was not maintainable. The said order was challenged in the writ. The question of law in Writ Petition No.6403 of 2010 was referred to the Larger Bench, which reads thus :

- (i) Whether sub-section (1) of Section 154 of Maharashtra Co-operative Societies Act, 1960 gives concurrent jurisdiction to the Registrar and the State Government to exercise power?
- (ii) Whether the power of revision under sub-section (1) of Section 154 of the said Act can only be exercised once and cannot be exercised twice over?

43. In another Writ petition No.7293 of 2010, the questions of law was referred to the Larger Bench which reads thus:

- (i) Whether the remedy under Section 154 of the Maharashtra Cooperative Societies Act, 1960 is available to an aggrieved party as a matter of right?
- (ii) Whether the remedy available under Section 154 of the said Act can be said to be efficacious and adequate remedy?

44. The Hon'ble Full Bench crystallized the provisions of Section 154 of the Act 1960 and observed in para 10 that "The

Supreme Court, thus, has clearly held that once the legality or the propriety of an order has been examined by an authority possessing revisional jurisdiction, there is no question of another authority in exercise of the same revisional jurisdiction again considering the legality and propriety of the decision in revision. In other words, a decision taken in revisional jurisdiction cannot be subjected to further revision unless there is a specific provision made in that regard. In our opinion, therefore, in view of the clear scheme of section 152 and section 154 and the observations of the Supreme Court referred to above, the position is absolutely clear that an order passed in exercise of revisional jurisdiction under Section 154 cannot be subjected to scrutiny in exercise of revisional jurisdiction again under the provisions of Section 154 of the Act.”

45. The law laid down by the Hon'ble Full Bench about the revisional jurisdiction of the State Government under Section 154 of the Act after its exercise by the Registrar is crystal clear that the State Government has no power to re-examine the legality and propriety of the orders and exercise the same power again. Therefore, the impugned order of the Hon'ble Minister is without jurisdiction.

46. In Writ Petition No.4196 of 2016, by way of amendment, the order of respondent No.2 dated 11.08.2016

passed in Appeal No.199/2016 has also been assailed on the ground that it was an order without jurisdiction and authority. In the backdrop of amendment provisions under Section 73AAA (3), which in ambiguous terms mandates that the term of elected members and its office bearers shall be five years. Sub-section (3) of Section 77A was deleted vide effect from 14.02.2013, contrary to the amended provisions of Section 73AAA (3) of the Act, 1960.

47. Respondent No.2 in the said Appeal No.199/2016 was dealing with a notice dated 06.05.2016 issued under Section 77A of the MCS Act issued to the then managing committee calling upon them why the Administrator should not be appointed for the Society. He invited their written say on or before 24.05.2016. They resisted that notice and opposed the appointment of the Administrator. Respondent No.3, the Assistant Registrar, made the decision to appoint an Administrator by order dated 24.05.2016. Respondent no.1 relying on the judgment of this Court in Ghatageppa Parreppa Megeri and Ors Vs. M.R. Naik and ors, 1984 (0) AIR (Bom) 56 : 1983 (O) Mh.L.J. 1984, held that it is not a case to which Clause (b) of Section 77A (1) was attracted in the present case. Therefore, the exercise of power by the Assistant Registrar, Cooperative Societies to appoint the Administrator is wholly illegal, and finally he quashed and set aside that order.

48. The petitioner with others had impugned the above order. However, by a Writ Petition No.6221 of 2016 against the sitting managing committee members. It has been observed that the proviso to sub-section (3) of Section 77 A came to be deleted from 14.02.2013, and Section 73-AAA (3) was reproduced and held that the aforesaid provisions that no scope is left to the Directors of the Cooperative Societies to continue in office when the term of direct expires and the office bearers also cannot continue in the office. It appears that the learned Divisional Joint Registrar considered the provision which was already deleted, and referred the case of Ghatageppa. The observations in the said case were made by this Court in view of the previous provisions of the Act, and it was held that there was no failure on the part of the members of the Society to elect members of the managing committee and so previous members were entitled to continue in the office. It has been further observed that the previous office bearers are interested in getting the result in favour of aforesaid 393 voters, and they want that these persons need to be allowed to vote in the elections. Finally, the order dated 11.08.2016 was set aside, and the order of the Assistant Registrar dated 24.05.2016 was restored. Nobody has pointed out that this order was impugned before the Higher Court or modified the order of this Court.

49. It seems that the petition was amended on the same day on the orders passed in the above application. However, that issue has attained finality.

50. The facts of this case, as pleaded, were that the Petitioner has objected to the membership of the respondents who have been disqualified on 04.06.2015 to the eligibility of the contesting respondents to be a member of the Society. In the meantime, when the dispute was pending about the eligibility of the membership, the provisional list, including their names, was published on 03.02.2016. on 09.02.2016, the election was declared. All these facts were pleaded, and keeping in mind the declaration of election, the right of the voters deleted from membership by Respondent No.3 under Section 11 and 25, this Court has consciously passed the order on 07.04.2016 allowing them to cast the vote and those votes be kept in a separate ballot box. This Court, by no order, disturbed the election program. The election process was completed. The voters have cast their votes. However, this Court, by the same order, deferred the declaration of the result till the next date. Thereafter, the order dated 07.03.2017, as discussed above, was also passed. This way or otherwise, the matter remained pending, and that could not be heard finally. However, the declaration of the result was deferred from time to time. Apparently, the members of the respondents

whose names had been deleted were impugned long before publishing the voter list and the election program commenced. At the cost of repetition, this Court never disturbed the election process. On the contrary, the Court allowed the completion of the elections by putting in certain conditions, as mentioned above.

51. In view of the above discussion, it is held that there was patent illegality in admitting 393 persons as members. Therefore, this Court can exercise extraordinary jurisdiction. The Assistant Registrar/Respondent No. 3 correctly held that they were not eligible to be members of the Society since the register of the members is the source of the voters list, and they were not eligible to be the voters. Adding them to the voter's list is defective. Their membership was impugned long before the publication of the provisional voter list, and that issue was subjudice before the competent authority. Therefore, in these peculiar circumstances, it cannot be said that once their names were published in the final voter list, this Court cannot disturb the election program by exercising the power under Article 226 of the Constitution of India. In these peculiar circumstances, the petitions are maintainable. That apart, the election process was never disturbed by this Court. Only the issue of voter's eligibility was under consideration before this Court and other competent authorities. They were allowed to cast votes, keeping their ballots in a separate

box. These acts do not disturb the election process in the midst of the election program.

52. It is declared that 393 voters were not qualified to be voters. Hence, their votes (255 voters who had cast their votes) should not be counted when declaring the election.

53. It is further declared that the impugned order of the Hon'ble Minister dated 03.01.2017 stands quashed and set aside as it was without jurisdiction, and the orders of Respondent No.2 i.e. the Divisional Joint Registrar dated 13.12.2016, and the order of Respondent No.3/Assistant Registrar dated 04.06.2016 are restored.

54. The order of Respondent No.2 passed in Revision Application Nos.79 of 2016 and 80 of 2016 dated 24.08.2016, and the order of Assistant Registrar/respondent no.3 dated 06.04.2016 stands confirmed.

55. In view of the above, both writ petitions stand disposed of.

56. All pending civil applications stand disposed of.

57. Rule made absolute in above terms.

58. The Registrar (Judicial) is directed to return the envelopes deposited with him as per the orders of this Court dated 07.03.2017 to respondent No.4 or any officer authorized by him on 03.05.2024, and he is directed to declare the election results

within three days thereafter, excluding the members not qualified to vote i. e. 393 (actual votes 255) voters as per the election program by giving a public notice to all concern at the place as per the election program.

59. Learned counsel for the disqualified voter Mr. Hon submits that he wants to impugn the order to the Hon'ble Supreme Court. Therefore, this order may be stayed for eight weeks.

60. Learned counsel for the petitioner strongly opposed the prayer and submitted that the result of the election is withheld since 2016. Any public body should not be kept ungoverned by a body elected by democratic election.

61. Considering the issue involved in the case, it would be unjustifiable to stay the impugn order for further period as the election was completed in 2016 and only results remained to be declared. Hence, the request of learned counsel Mr. Hon cannot be entertained.

(S. G. MEHARE, J.)