

Nikita

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

WRIT PETITION NO.3105 OF 2024

The New Grain Dealers Service
Resources C. S. Ltd. Through Its
Secretary Pramod Rai ... Petitioner

V/s.

The State of Maharashtra Department of
Co-operative Marketing and Textile
through Government Pleader and Ors. ... Respondents

Mr. Vijay Patil a/w Mr. Yogesh Patil, for the Petitioner.

Mr. Ajit Anekar (through V.C.) a/w Siddhant Sawhney
i/b Auris legal for Respondent No.5.

Mrs. D. S. Deshmukh, AGP for the State-Respondent
No.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 5, 2024

P.C.:

1. By the impugned order, the returning Officer purportedly in exercise of power under Rule 8 (3) and (4) of Maharashtra Cooperative Societies Rules, 1961 has modified preliminary voters list by issuing directions to include names of 157 persons as members of the society.

2. Prima facie, Rule 8 (1) 8(3), of the said rules, are pari materia with Rule 6 of erstwhile Maharashtra Specified Election Committee Rules Division Bench of this Court in Dhondiba Parshuram Kakade Vs. Someshwar SSK Ltd., reported in 1979

Mah. L.J. 311 held that power of Returning Officer under rules 6 is microscopic. Only scope of inquiry is to ascertain names, address and identity of the voters. By the impugned order, the returning officer has travelled beyond the power conferred under the rules.

3. Hence, there shall be ad-interim relief in terms of prayer clause (d).

4. Mrs. Deshmukh, learned AGP for the State waives service for Respondent Nos.1 and 2.

5. Stand over **16th April 2024.**

(AMIT BORKAR, J.)