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

WRIT PETITION NO.3613 OF 2024

Raghunath Kishanlal Bankeraika .. Petitioner
Vs.
Administrator of Rajniketan Co.
Operative Society LTD & Ors. .. Respondents

...

Mr. Sameer P. Khedekar, Advocate for the petitioner.
Mr. B.V. Samant, Addl. GP a/w Mr. S. B. Kalel, AGP for Respondent-State.

...

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 8th MARCH 2024.

PC. :

1. It is submitted by the learned counsel for the petitioner that his father was a member of the Respondent No.1-Co-operative society. After his demise in the year 2001 the share certificate was transferred in the petitioner's name on 20th January 2001. Subsequently, the petitioner participated in the Annual General Meetings of the society as well as the earlier elections. In the provisional voters list, the petitioner's name was not shown and hence on 24/12/2023 the petitioner made a complaint before the Deputy Registrar, Co-operative societies. A Communication dated 27/12/2023 was therefore addressed by the Deputy Registrar to the Authorised Officer-Administrator of the Society. No steps were taken and hence in the final voters list, the petitioner's name was not included.

Instead the name of his deceased father was shown. The petitioner again made a complaint on 10/02/2024 and the Deputy Registrar once again directed the Authorised Officer on 13/12/2024 to take necessary steps within a period of 15 days. Since nothing has been done by the Authorised Officer, the petitioner has approached this Court.

2. Issue notice to the respondents, returnable on 22/03/2024. The learned Assistant Government Pleader waives notice for Respondent Nos.3 to 5. The Respondent No.1 is shown to be served in the light of the affidavit of service filed by the petitioner.

3. Prima facie, considering the fact that the share certificate of the Society stands in the name of the petitioner and that there has been inaction on the part of Respondent No.1 despite communications dated 27/12/2023 and 13/02/2024 issued by the Deputy Registrar, the name of the petitioner shall be included in the final voters list to enable him to participate in the election scheduled on 10/03/2024. This participation is subject to outcome of the present proceedings and without prejudice to the contentions of the respondents.

4. Parties to act on the authenticated copy of this order.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]