

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(12) WRIT PETITION NO. 6526 OF 2024

Pruthviraj Sahebrao Jachak

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

AND

(14) WRIT PETITION NO. 7799 OF 2024

Sambhaji Shivaji Kate

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Chetan Patil a/w. Mr. Shantanu Patil, for Petitioner in WP/7779/2024.

Mr. S.S. Patwardhan a/w. Mr. Mandar G. Bagkar, for Petitioner in WP/6526/2024.

Mr. P.P. Kakade, G.P. a/w. Mr. Y.D. Patil, AGP for Respondent Nos. 1 & 2 in both Writ Petitions.

Mr. Deelip Bankar, Chief Standing Counsel SCEA a/w. Ms. Pooja Deelip Patil, for Respondent Nos. 3 & 4 in both Writ Petitions.

Mr. Shekhar Jagtap a/w. Ishan Paradkar, Ms. Sairuchita Chowdhary and Meghna Gawlani i/b. J. Shekhar Associates, for Respondent No. 5 in both Writ Petitions.

CORAM : M.M. SATHAYE, J.

DATED : 30 MAY 2024

(VACATION COURT)

P.C. :

1. Heard learned counsel for the parties.

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2. In both the petitions, orders passed by Respondent No.3 - District Co-operative Election Officer dated 08.04.2024 on objections raised by these Petitioners were rejected. Broadly stated, the objections were in respect of inclusion of names of voters in the final voters list on the grounds that, either they are defaulters in payment of increased share-money or that they are defaulters in payments towards purchase of seeds and fertilizer or on the ground that they are not really such members who are supplying sugarcane to the Respondent No. 5 - Shri Chhatrapati Sahakari Sakhar Karkhana Ltd., Bhavaninagar, Taluka Indapur, District Pune.

3. Learned counsel for the Respondent - Sakhar Karkhana raises preliminary objection about maintainability of these petitions.

4. Learned counsel for the Petitioners invited this Court's attention to order dated 22.05.2024 passed by Respondent No. 3 – Election Officer, under which it is notified that the final voters list of Respondent - Sakhar Karkhana is published on 24.05.2024. He submitted that since the time to declare election program is limited under Rule 18, the petitions are urgently moved.

5. Perused the impugned orders. Considering the submissions made by the learned counsel for the Petitioners as well as learned counsel for the Respondents including Sakhar Karkhana, the Election Authority and the Respondent-State, in my view, detail hearing is necessary, as arguable points are raised about whether the impugned orders are passed in accordance with law.

6. The date of publication of final voters list is 24.05.2024 and

under Rule 18 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, the period of 20 days within which an election program will have to be declared in accordance with law, is ending on **13.06.2024**, not excluding the last day.

7. In that view of the matter, place the matters for further hearing on **11.06.2024** before the regular Court. Declaration of election program is postponed till the next date.

8. This order is passed without prejudice to the rights and contentions of both the sides, including about maintainability of the petitions as well as on merits.

9. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)