



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1293 OF 2024

(Sanjaysingh s/o. Mohsingh Bais and Others...Vs... The Returning Officer, Swagat Nagri
Sahakari Pat Sanstha Maryadit, Chandrapur and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. P.D. Meghe, counsel for petitioners,
Mr. D.P. Thakare, Addl.GP for respondent No. 2,
Mr. S.K. Tambde, counsel for respondent Nos. 4 to 8

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : APRIL 15, 2024

Out of the 12 elected directors, respondent No. 4 – Ajay s/o. Vitthalrao Bandiwar was elected from Open as well as Reserved Category. He has resigned from the Reserved Category and continued to be the director of respondent No. 3 Society from Open Category. As a sequel of above, only 11 directors remained on the body of respondent No. 3 Society.

2. As per sub-clause 6 of clause 39 of the bye laws of respondent No. 3 Society, the required coram is of more than 50% of the directors required for the purpose of voting for electing the office bearers of the Society.

3. In that view of the matter, if we carefully read sub-clause 6 of clause 39 of the bye laws, what is required to be contemplated is more than 50% of the existing directors. Admittedly, respondent No. 4 has already resigned from Reserved Category. Hence, only 11 elected directors remained on the body of respondent No. 3 Society.

4. That being so, we direct respondent No. 1 to consider the coram as per sub-clause 6 of clause 39 of the bye laws to be more than 5 and not more than 6 which comes to 50% of the strength of the existing directors which is eleven.

5. In the aforesaid background, we direct respondent No. 1 to conduct the meeting which was already scheduled for the purpose of electing the office bearers of the Society.

6. The petition accordingly stands partly allowed in the aforestated terms.

7. Let the aforesaid proceedings be concluded by respondent No. 1 within a period of six weeks from the date of this order.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)