PRAKASH MAROTIRAO SHERE

v.

STATE OF MAHARASHTRA AND ORS.

NOVEMBER 17, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Election :

Maharashtra Cooperative Societies Election Committee Rules, 1971 :

Competent Authority to conduct election—Till new Committee takes over, Administrator to continue—Directions issued.

In this appeal against the Bombay High Court's Judgment, this Court directed the State Government to appoint an Administrator.

Now, disposing of the appeal, this Court

HELD : 1. Pursuant to this Court's observations, election process was set in motion. Objections to the preliminary voters list are to be considered November 18, 1995 and thereafter, depending on the order to be passed, the competent authority required to finalise the voters list on or before December 30, 1995. It is required to notify the election process on or before January 2, 1996 under Rule 16 of the Maharashtra Cooperative Societies Election Committee Rules, 1971. The entire process of election is to be completed within a period of 45 days. [470-C-D]

2. The competent authority would continue the election process schedule hereinbefore mentioned and would conduct the election of the Society as expeditiously as possible without any delay unless he is prevented by any order of the Court or the authorities in that behalf. [470-E]

3. The administrator would continue in office till the elections are over and the elected committee takes over the management. [470-F]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 11532 of 1995.

From the Judgment and Order dated 23.6.95 of the Bombay High Court in W.P. No. 2009 of 1995.

A Dushyant Dave, Bhimrao Naik, S.K. Dholakia, K. Madhava Reddy, P.P. Rao, Ms. Abha R. Sharma, S.V. Deshpande, D.M. Nargolkar and P.R. Gupta for the appearing parties.

The following Order of the Court was delivered :

B Leave granted.

We have heard learned counsel for the parties. By our order dated October 30, 1995, we directed the Government to appoint an administrator. We are informed that pursuant to the said order, the administrator came to be appointed and he took charge on 1st November, 1995. We are also C informed that pursuant to our observations, election process was set in motion. Objections to the preliminary voters list are to be considered by tomorrow and thereafter, depending on the order to be passed, the competent authority required to finalise the voters list on or before December 30, 1995. It is required to notify the election process on or before January D 2, 1996 under Rule 16 of the Maharashtra Cooperative Societies Election Committee Rules, 1971. The entire process of election is to be completed within a period of 45 days.

We hope and trust that the competent authority would continue the election process schedule hereinbefore mentioned and would conduct the E election of the Society as expeditiously as possible without any delay unless he is prevented by any order of the Court or the authorities in that behalf.

The administrator would continue in office till the elections are over and the elected committee takes over the management.

F Shri Dushyant Dave, the learned senior counsel appearing for the appellants seeks to contend the correctness of the action taken against them on several legal grounds. Since the administrator has already been appointed, we are of the view that the issues raised have become academic. Therefore, we are not expressing any opinion on merits.

G The appeal is disposed of accordingly. No costs.

G.N. Appeal disposed of.