

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4868 OF 2005.

Gadhinglaj Taluka Sahakari Sakhar

Karkhana Ltd. ... Petitioner.

V/s.

Collector of Kolhapur & Others. ... Respondents.

Mr. V.A. Thorat, learned Counsel for the Petitioner.

Mr. Shriniwas S. Patwardhan, for Petnr. on record.

Mr. N.V. Walawalkar with Mr. Amit Borkar, for Respondent
Nos.2 and 3.

Mr. A.H. Palekar, Addl.Govt. Pleader.

CORAM : S.A. BOBDE, J.

July 29, 2005.

P.C.:

1. This petition is by the Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd. The Petitioner has challenged the order dated 05/07/2005 of the Collector, Kolhapur, by which names of 1233 persons are included in the final list of voters' under Rule 6(1) of Maharashtra Specified Societies Co-operative Societies Election to Committee Rules 1971. That rule reads as follows :-

"6. Claims and objections to
provisional list of votes.-(1) When any

provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Collector by any member of the Society concerned who is a voter or any delegate authorised to vote on behalf of such society."

2. The preparation or publication of final list of voters is published under Rule and has been held to be an intermediate stage in the process of election, view of the Judgement of the Supreme Court Shri Sant Sadguru V/s. State of Maharashtra. This Court has relied on that Judgement while deciding Writ Petition No.4866 of 2005. For the same reason, this is not a fit case for exercise of its jurisdiction under Article 226 of the Constitution of India.

3. For the reasons given in the Judgement in Writ Petition No.4866 of 2005, under the circumstances, this Petition is liable to be dismissed and it is hereby dismissed.

(S.A. Bobde, J.)