

Gujarat High Court

Patel vs State on 11 November, 2011

Author: V. M. Jhaveri,

Gujarat High Court Case Information System

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SCA/16997/2011 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 16997 of 2011

=====

PATEL
BHIKHABHAI HATHIBHAI - Petitioner

Versus

STATE
OF GUJARAT & 5 - Respondents

=====

Appearance
:
MR
VC VAGHELA for Petitioner.
MS SHRUTI PATHAK, AGP for Respondent
No.1.
None for Respondent Nos.2 -
6.
=====

CORAM

:

HONOURABLE

MR.JUSTICE V. M. SAHAI

and

HONOURABLE

MR.JUSTICE KS JHAVERI

Date
: 11/11/2011
ORAL ORDER

(Per : HONOURABLE MR.JUSTICE KS JHAVERI) By way of this petition, the petitioner has challenged the order dated 02.11.2011 passed by the Election Officer - respondent No.3 herein and sought the direction to include the name of the petitioner as a representative of the Manpura Vividh Karyakari Seva Sahakari Mandali Limited - respondent No.5 society for the election of respondent No.6 Society.

2. The facts of the case are that the petitioner moved an application on 11.10.2011 stating that the respondent No.2 is not the member of respondent No.5 Society and hence he cannot represent the respondent No.5 Society as he has produced forged document and become Chairman of the Society.

3. However, while considering the case, the Election Officer has given reasons that the question as to whether the member of the Mandali is entitled to be enrolled as member or can represent the Society can be taken by the District Registrar under Section 32 read with Section 28 (3) of the Gujarat Co-operative Societies Act, 1965. We are in complete agreement with the view taken by the Election Officer. It will be open for the petitioner to move either the District Registrar or Board of Nominees seeking appropriate relief.

4. With the above observation, the petition stands dismissed in view of availability of alternative remedy to the petitioner either before the District Registrar or Board of Nominees. There shall be no order as to costs.

Sd/-

[V. M. SAHAI, J.] Sd/-

[K. S. JHAVERI, J.] Savariya Top