

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

**WRIT PETITION NO. 2350 OF 2015**

Ushabai w/o Laxman Kadam ... Petitioner

Versus

Saroj s/o Ashok Sonar  
& others ... Respondents

.....  
Mr.S.V. Natu , Advocate for petitioner  
Mr. D.R. Korde, A.G.P. for respondent No. 2

.....  
WITH

**WRIT PETITION NO. 2364 OF 2015**

Rangrao s/o Ambar Patil ... Petitioner

Versus

Yeshwant Shantilal Choudhari  
& others ... Respondents

.....  
Mr.S.V. Natu , Advocate for petitioner  
Mr. V.G. Shelke, A.G.P. for respondent No. 2

.....  
WITH

**WRIT PETITION NO. 2374 OF 2015**

Rangrao Ambar Patil ... Petitioner

Versus

Subhash s/o Sumanlal Sonar  
& others ... Respondents

.....  
Mr.S.V. Natu , Advocate for petitioner  
Mr. V.G. Shelke, A.G.P. for respondent No. 2

.....

**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 3<sup>rd</sup> MARCH, 2015**

PER COURT :

1. I have heard the learned Advocate Shri Natu for the petitioners for quite some time and the learned A.G.P. on behalf of respondent Nos. 3 authority.

2. Grievance of the petitioner in the first petition is that the petitioner had filed nomination papers for contesting elections to the respondent No. 3 Society pursuant to the declaration of the election programme dated 03-02-2015. After the petitioner raised an objection to the nomination form filed by the first respondent, the respondent No. 2 authority rejected the nomination form of respondent No. 1. She preferred an appeal No. 3 of 2015 and the same came to be allowed by order date 20-02-2015. Grievance is as regards the validation of the nomination form of respondent No. 1.

3. In the second and third petition, the petitioners have filed their nomination forms for contesting the elections to the respondent No. 3 society pursuant to the election programme dated 03-02-2015. Objection was raised as against the nomination forms of the first respondents in both these petitions. The said objection has been over ruled by the competent authority and by order dated 02-02-2015 and 20-02-2015 in the two

petitions respectively. The nomination forms of the first respondents have thus been accepted.

4. In all these three cases, elections are being held pursuant to the election programme dated 03-02-2015 in relation to the respondent No 3 society. Voting has been scheduled on 10-03-2015.

5. The Division Bench of this Court (**Coram : R.M. Borde and Sunil P. Deshmukh, JJ**) while considering Writ Petition No. 1753/2015, has passed an order dated 13-02-2015 which reads as under :-

*“Since process of election has commenced and today is the date for declaring final list of contesting candidates, in view judgment of the Supreme Court in the matter of “Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another V. State of Maharashtra and Others” reported in **(2001) 8 SCC 509**, no interference is called for in the present writ petition. In view of this, writ petition stands disposed of keeping open option for the petitioner to raise challenge to the election in accordance with provisions of Maharashtra Co-operative Societies Act.”*

6. In the light of the above, these petitions cannot be entertained at this stage. The petitioners are therefore, at liberty to prefer an election petition under Section 91 of the Maharashtra

Cooperative Societies Act, 1960 read with Rule 78 of 2014 Election Rules. Need less to state, since the merits of the contentions of the petitioners have not been considered by this Court, the petitioners would be at liberty to raise all issues in the election petition including those which have been set out in these petitions. In the event such petitions are filed, the competent authority shall decide the same in accordance with law.

7. Writ petitions are therefore, disposed off.

**( RAVINDRA V. GHUGE, J. )**