

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

WRIT PETITION NO. 2821 OF 2015

Devidas s/o Laxman Rathod
& others

.. PETITIONERS

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. R.T. Nagargoje, advocate for petitioners.
Mr. S.S. Tope, GP for the State.

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CORAM : R.M. BORDE &

P.R. BORA, JJ.

DATE : 11^h MARCH, 2015.

PER COURT :

1. Petitioners are objecting decision taken by the Managing Committee in respect of expulsion of members. It is the contention of petitioners that before tendering a list to the Returning Officer, the Managing Committee, without following the procedure prescribed under law, proceeded to revoke membership of about fifteen members.

2. It transpires that the program of election has reached the stage of publication of final list of validly nominated candidates. In view of the judgment of the Supreme Court in the matter of Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and another Vs. State of Maharashtra and others reported in **(2001) 8 SCC 509** no interference is called for in the on going process of election. So far as grievance raised by petitioners is concerned, remedy to challenge the

decision of the Managing Committee to expel members is provided under the Act of 1960. It does transpire that neither petitioners nor the concerned members have availed of such remedy. The Returning Officer cannot look into the validity of the decision taken by the Managing Committee as regards expulsion of members. Even otherwise, there is no substance in the petition. Keeping the option to avail of remedies available in law, open for the petitioners, writ petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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