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

WRIT PETITION NO. 3629 OF 2015

Shri Raosaheb Gopinath Pandule .. **PETITIONER**

VERSUS

The State of Maharashtra
& others .. **RESPONDENTS**

Mr. S.P. Sonpawale, advocate for petitioner.
Mr. S.G. Karlekar, AGP for the State.

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CORAM : R.M. BORDE &
V. K. JADHAV JJ.
DATE : 31st MARCH, 2015.

PER COURT :

1. Petitioner is raising objection to the order passed by the District Election Officer on 23.03.2015 thereby rejecting the objection tendered in respect of inclusion of name of petitioner as delegate to the primary co-operative society and deletion of name of other delegates.

2. It appears that there are two groups claiming to be the incharge of the management of the primary co-operative society. Both the groups have tendered two different resolutions nominating different delegates on behalf of the same society. It also appears that there are two separate audit reports placed on record before the Returning Officer. The Returning Officer found that there is a serious doubt as regards entitlement of either of the delegate to represent the society. The Returning Officer as such proceeded to delete both the names and has refused to accept either of the resolutions tendered by both the groups.

3. The dispute between the two groups claiming control over the management of the society shall have to be redressed by taking recourse to the remedies available under the Maharashtra Co-operative Societies Act and, before such redressal of the grievances, both the groups cannot legally claim their entitlement to nominate delegate to represent the society at the elections of the Parbhani District Central Co-operative Bank. The order passed by the Returning Officer appears to be legal and proper and does not call for any interference. Petition is devoid of substance hence stands rejected. It would be open for the petitioner to avail of remedies available in law at an appropriate stage.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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