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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4352/2015

Shivraj Bhaurao Pawar.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri V.D. Salunke, Advocate for petitioner.

Smt.S.G. Chincholkar, AGP for respondent nos.1 to 3.

Shri K.J. Suryawanshi, Advocate for respondent no.4.

Shri D.J. Choudhary, Advocate for respondent no.5.

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CORAM: SUNIL P. DESHMUKH, J.

DATE: 24.04.2015

ORDER :

1] Heard learned counsel for the parties.

2] After hearing the parties, it emerges that the disqualification as sought to be alleged against respondent no.5 u/s 73-CA (1)(f)(i) of the Maharashtra Cooperative Societies Act, 1960, would not be available in the present case, for, the objection is neither about the respondent no.5 being personally in default of the primary society nor there is an objection on the ground that the respondent no.5 was office bearer of the

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defaulting primary society. In such a case, the order passed by the Election Officer cannot be found fault with. The writ petition is not being considered and is rejected. No order as to costs. However, it is open for the petitioner to take appropriate proceedings at appropriate stage questioning the nomination of respondent no.5 on the basis of grounds as have been raised in present petition including in an election petition.

3] The observations made hereinabove shall not influence the decision making authorities in the matters being decided on merits.

(SUNIL P. DESHMUKH, J.)