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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4472 OF 2015

Digambar Chandrabhan Sonewane
Age-52 years, Occ-Agriculture
R/o Wakla, Taluka - Vaijapur
District - Aurangabad

PETITIONER

VERSUS

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|---|-------------|
| 1. The Aurangabad District Central
Co-operative Bank Ltd.,
Through its Managing Director
Aurangabad, Taluka and District - Aurangabad | RESPONDENTS |
| 2. The District Returning Officer,
or District Deputy Registry,
Co-operative Societies,
Aurangabad, District - Aurangabad | |
| 3. Ramkrishna Jaggnathro Patil,
Representative of Vividh Karyakari
Seva Sahakari Society,
Dahegaon, Taluka-Vaijapur
District - Aurangabad
Age-Major, Occ-Agriculture
R/o Dahegaon, Taluka-Vaijapur
District - Aurangabad | |

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Mr. M. P. Kale, Advocate for the petitioner
Mr. S. G. Sangale, AGP for respondent State
Mr. Murlidhar Karad h/f Mr. S. S. Thombre, Advocate for R-1
Mr. B. N. Patil, Advocate for respondent No.3

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 19th JUNE, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. Petitioner purports to impugn action of approving nomination of respondent No.3 on the ground that requisite audit report of concerned society does not fall under requisite category "B" and the audit report submitted, along with the nomination does not comply with the requirement of it being of the immediately preceding year of election.

3. After hearing learned advocates for the parties, it appears that election has proceeded with and respondent No.3 has been declared to have been elected. It further appears that the objection, which is sought to be taken, had not been taken at the time of scrutiny of nominations. There is dispute among the parties about presence of the petitioner at the time of scrutiny of nominations.

4. Mr. B. N. Patil, learned advocate for respondent No.3 disputes *locus standi* of present petitioner, for, the petitioner is neither a contestant nor a voter. He submits that the legal compliance about submission of requisite audit report has

already been made and it has been taken into account. He submits that courts are slow in interfering with election programme. He refers to a decision of the Supreme Court reported in case of “*Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another V. State of Maharashtra and Others*” (2001) 8 SCC 509.

5. Looking at aforesaid, though the court had earlier on ordered that the elections would be subject to outcome of present petition, however, having regard to the disputed questions, particularly with regard to the facts being agitated, I do not deem it appropriate to grant further indulgence to the petitioner. The petition as such, is not being entertained and is dismissed. However, it would be open for the petitioner to take up proceedings as would be available in law, including election petition, if he has *locus standi*.

[SUNIL P. DESHMUKH, J.]