

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

WRIT PETITION NO. 4456 OF 2015

Narayanrao Sadashivrao Shinde .... Petitioner  
versus  
State of Maharashtra and others .... Respondents  
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Mr. Sunil P. Sonpawale, Advocate for petitioner  
Mr. S.K. Tambe, Asstt.Govt. Pleader for respondents no. 1 to 3  
Mr. S.S. Deshmukh, Advocate for respondent no.4  
Mr. C. K. Shinde, Advocate for respondent no. 5  
Mr. E. P. Sawant, Advocate for respondent no. 6

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 23RD APRIL, 2015

ORDER

1. This petition has been moved against acceptance of nomination of respondent no. 5 on the ground that he is an office bearer of a defaulter society, namely, Arkhed multiple co-operative society. Respondent no.5 had filed nomination for being representative of Someshwar multipurpose co-operative society. Respondent no. 5 is a representative of a society which is not defaulter and, therefore, objection to his nomination by petitioner was overruled.

2. Learned counsel for the petitioner submits that taking into account the language employed in section 73CA (1) (f) (ii) of the Maharashtra Co-operative Societies Act, respondent being an office bearer of defaulter society, that is, Arkhed multipurpose co-operative society, stands disqualified.

3. Petitioner also contends that respondent no. 5 is disqualified under section 73CA (1)(iii) of the Maharashtra Co-operative Societies Act. However, no material in this respect was placed on record before the election officer.

4. Learned counsel for respondents submit that nothing was placed on record to indicate that said Arket multi-purpose co-operative society had been in default and in absence of any such document to support petitioner's said contention, order of the election officer cannot be assailed at this stage.

5. Learned Assistant Government Pleader supports the submissions of respondents.

6. In view of aforesaid, I do not think that the order impugned of the election officer is liable to be flawed in writ petition.

7. Writ petition as such is rejected. However, petitioner is at liberty to take recourse to any remedy as may be available in law, including an election petition.

SUNIL P. DESHMUKH, J.

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