

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 1495 OF 2015**

Rajendra Nemgonda Patil

....Petitioner.

Vs.

The Returning Officer and Ors.

....Respondents.

Mr. Umesh R. Mankapure for the Petitioner.

Mr. Nagesh Chavan for Respondent No.1.

Mr. V.B. Rajure for Respondent No.2.

**CORAM:- ANOOP V. MOHTA, J.****DATE :- 17 FEBRUARY 2015.****P.C:-**

Rule, made returnable forthwith.

Heard finally, by consent of the parties.

2           On 22 January 2015, the election programme of the Society, called Nandre Vividh Karyakari Sahakari Society Limited (for short, “the Society”) for the period from 2014-2015 to 2019-2020 was declared. One Shri Sheetal Patil, on 5 February 2015 raised an objection to the nomination form of Respondent No.2 to the effect that he cannot contest the present election since he is running a business as that of the Society. Respondent No.2 by reply resisted the

objection. The Returning Officer, after considering the reply and the objection, ultimately accepted the nomination form as a valid on 6 February 2015. Therefore, the Petitioner, at the instance of the present other than objectors, though is a member of the Society, as rightly objected by the learned counsel appearing for the Respondent No.2, is not maintainable, basically at this stage of the proceedings/election. There are other various provisions including Section 11 of the Maharashtra Co-operative Societies Act, 1960 (for short, "the MCS Act") apart from the remedy to challenge the election. Therefore, also no case to interfere with the election process so commenced at the instance of party/person, who at the relevant time, did not raise any objection, as raised by the other members so recorded above. Another factor is, the election process is always governed by the statute. The statute prescribed the procedure whereby, any member can raise the objection at the appropriate time and/or within the prescribed time schedule and the concerned Returning Officer once takes decision, unless set aside by the appropriate forum and/or by appropriate authorities, there is no question of interference at the instance of member who failed to raise objection at the appropriate time. The statute itself provides the

remedy, even if the nomination so accepted, though objected by some other persons than the Petitioner.

3           The Petitioner is also contesting the election for Managing Committee members of the Society. Therefore also at his instance, at this stage, the election programme just cannot be disturbed. However, it is made clear that he is entitled to invoke appropriate remedy in accordance with law.

4           The Petition is accordingly dismissed.

5           Rule is discharged accordingly. There shall be no order as to costs.

**(ANOOP V. MOHTA, J.)**