

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4520 OF 2015

Mr. Anil Amarlal Khathurani .. Petitioner

Versus

Bacharam Bashomal Rupchandani and others .. Respondents

WITH

WRIT PETITION NO.4521 OF 2015

Mr. Anil Amarlal Khathurani .. Petitioner

Versus

Jawhar Chetumal Watwani and others .. Respondents

WITH

WRIT PETITION NO.4522 OF 2015

Mr. Anil Amarlal Khathurani .. Petitioner

Versus

Shitaldas Khubchand Harchandani and others .. Respondents

Shri. Mahindra B. Deshmukh, for the Petitioners.

Shri. Ganesh Gole, for the Respondent No.1.

Shri. Purushottam Khanchandani, for the Respondent No.2.

Mrs. Vaishali Nimbalkar, AGP for the Respondent Nos.4 & 5.

CORAM : R.M. SAVANT, J.

DATE : 05th MAY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the orders all dated 21.04.2015 passed by the Respondent No.2 who is the Returning Officer of the Bank in question being Navjeevan Co-operative Bank Ltd. for elections to be held to its Board of Directors. The Petitioner is also challenging the order dated 28.04.2015 passed by the Appellate Authority by which the Appeals filed by the Petitioner were dismissed on the ground that the same were not maintainable. The rejection is on the ground that since the Respondent No.1 in each of the Petitions has not been convicted for any offence the provisions of Section 73CA of the Maharashtra Co-operative Societies Act would not come into play. The Learned Counsel appearing for the Petitioners states that the Petitioner has sought to question the acceptance of the nomination by the Respondent No.2 in each of the above Petitions on the ground that he is a defaulter within the meaning of Section 73CA of the Maharashtra Co-operative Societies Act. However, the said ground is conspicuously absent in the objection raised by the Petitioner vide his letters which are annexed to the above Petitions as Exh.A. In view thereof the Returning Officer was not obliged to consider the objection of the Petitioner on the said ground. Apart from the aforesaid, it is also required to be noted that the election programme is at the final stage and what remains is only the withdrawal

of the nominations and the list of validly nominated candidates to be put up and thereafter voting which is to take place on 21.05.2015. Hence, any interference in the Writ Jurisdiction of this Court would result in interfering with the election process. In that view of the matter there is no warrant to entertain the above Writ Petitions which are accordingly dismissed. Needless to state that the Petitioners would be at liberty to file appropriate proceedings after the election is over if the occasion so arises.

[R.M. SAVANT, J]