

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3291 OF 2015.

(JAYANT WAMANRAO DESHMUKH...VS..STATE OF MAHARASHTRA, COOP. DEPTT. & 3 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2015.

Mr.S.S.Dhengale, the learned advocate for the petitioner and Mr.T.R.Kankale, the learned A.G.P. for the respondent Nos.1 to 3. None appears for the respondent No.4.

An affidavit is filed on behalf of the petitioner stating that the notice has been served on the respondent No.4.

2. The petitioner has challenged the decision of the Returning Officer rejecting his nomination paper and also the order passed by the appellate Authority dismissing his appeal.

3. Mr. Kankale, the learned A.G.P. submits that 43 candidates had submitted nomination papers out of which the nomination papers of 23 candidates came to be rejected. It is submitted that out of the remaining 20 candidates 7 candidates have withdrawn their candidatures till 12th June, 2015 which was the date fixed for withdrawal of the candidature and as only 13 candidates remained in the fray and there are 13 seats, all the 13 candidates are declared as elected as per the provisions of Rule 32 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014.

4. The appellate Authority has dismissed the appeal filed by the petitioner on the ground that all the candidates who had submitted their nomination papers have not been impleaded. This view is taken by the appellate Authority relying on the judgment given by this Court in the case of *Vijaysingh Vs. Returning Officer*, reported in **2003(2) Mh.L.J. 485**.

5. The learned advocate for the petitioner has submitted that the petitioner had filed application on 9th June, 2015 seeking permission to implead all the candidates as respondents in the appeal, however, the appeal came to be decided on 9th June, 2015 without considering the application filed by the petitioner and the application filed by the petitioner came to be rejected on 10th June, 2015. The learned A.G.P. has submitted that the application was filed on 10th June, 2015 after the appeal was decided on 9th June, 2015. These are disputed questions of fact.

In view of the above, I am not inclined to entertain the petition at this stage. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE