

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

**WRIT PETITION NO.5281/2015**

**Shri Pritam s/o Ramchandra Sahare and another**  
**...Versus...**  
**State Co-operative Election Authority, Maharashtra State, Pune and others**

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

Court's or Judge's orders

Shri V.N. Gaoli, Advocate for petitioners  
Shri D.B. Patel, AGP for respondent nos.1 and 2  
Shri R.V. Bhanarkar, Advocate for respondent no.4

**CORAM : SMT. VASANTI A. NAIK AND**  
**A.I.S. CHEEMA, JJ.**  
**DATE : 07.10.2015**

By this petition, the petitioners have sought a declaration that condition no.8 in the Instructions of the Election Programme for the election to the Committee of the respondent no.4 – Society is bad in law. The petitioners have sought a direction to the respondent nos.1 to 3 to permit the petitioners to cast their votes for all 17 Managing Committee Members of the respondent no.4 – Society irrespective of the constituency from which they contest.

Shri Patel, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2 raises a preliminary objection to the tenability of the writ petition. It is stated that this Court may not interfere with the election process

after they are declared. It is stated that it is well settled that the Courts should be slow in interfering in the election process. It is stated that the elections are scheduled on 11.10.2015 and any indulgence by this Court in the matter at this stage would result in interfering with the election process. It is submitted that the petitioners do not have a case on merits as the petitioners have not pointed out as to how instruction no.8 in the election programme is violative of the provisions of the Constitution of India or the provisions of the Maharashtra Co-operative Societies Act and the Rules framed thereunder.

We are not inclined to entertain the writ petition and decide it on merits, at this stage. The election programme was published on 7.9.2015 and the election to the Committee of the respondent no.4 – Society is scheduled on 11.10.2015. Showing indulgence in the matter at this stage would surely result in interfering with the election process. It is rightly stated on behalf of the respondent nos.1 and 2 that the petitioners would have a remedy for challenging the election and hence, this Court may not entertain the writ petition at this stage.

In view of the aforesaid, we dispose of the writ petition with no order as to costs. The points raised in the petition are kept open.

**JUDGE**

**JUDGE**