

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5822 OF 2016

Umesh S/o Ganpatrao Megde & others

Petitioners

Versus

The Election Officer of
Mahatma Gandhi Education Society Election/
Inspector of Public Trust Registration Office
Nanded and others

Respondents

Mr.Amit Mukhedkar advocate for the petitioners

Mr.M.B. Bharawadkar, AGP for Respondent State

Mr. V.J. Dixit, Sr. Advocate h/f Mr.Syed Parvez Syed Gani &

Mr. Amit S.Deshpande, Advocates for Respondent No.4 :

Mr. V.D. Patnoorkar Advocate for Respondent No.3 :

CORAM : R.M. BORDE &

K.L.WADANE, JJ

(Date : 7th June, 2016.)

PER COURT :-

1 The petitioners are objecting to the order passed by the Election Officer, clamping prohibition against 73 members from exercising their right to vote. The elections are being conducted in accordance with the directions issued by the Deputy Charity Commissioner in the proceedings initiated under section 41(A) of the Bombay Public Trust Act. It is observed that today is the last day, prescribed for withdrawal of nomination papers. At this late

stage of process of the elections, it would be imprudent to cause interference in the on going process of election.

2 Keeping open the option of the petitioners to avail of the remedies available in law, the writ petition stands disposed of. It is clarified that we have not examined the correctness of the order passed by the Election Officer, impugned in the petition and it would be open for the petitioners to impeach the correctness of the said order in the proceedings under section 22 of the Bombay Public Trust Act and the observations of the Election Officer or refusal by this Court to cause interference at this stage in the instant matter, shall not be construed as an impediment for entertaining the challenge or consideration of all relevant grounds.

3 Writ petition stands disposed.

(K.L.WADANE, J)

(R.M.BORDE, J)