

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.830 OF 2016

Shri Ankush Hariba Nalawade.] ... Petitioner

Versus

The State of Maharashtra,]
Through the Secretary of Co-Operative]
Department, Mantralaya, and Ors.] ... Respondents

Mr. Abhijit B. Kadam for Petitioner.
Mr. S. D. Rayrikar, A.G.P, for Respondent No.1.
Mr. V. S. Talkute for Respondent No.4.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 25, 2016

P. C. :-

1. The challenge in this petition is to communication dated 04/01/2016, in terms which, the nomination of respondent no.4 for elections to Managing Committee of respondent no.3-Society has been accepted. It is the case of the petitioner that the respondent no.4 was a clear defaulter and the Returning Officer has exceeded jurisdiction in granting the respondent no.4 time to clear the dues after the objection was raised. The learned Counsel for petitioner submitted that the record establishes that even within the time so granted, the respondent no.4 did not clear the entire dues and there was still a balance of almost Rs.40,000/-.

2. Without, at this stage, making any observation, upon the exercise undertaken by the Returning Officer, this petition is not being entertained only on the ground that the petitioner has alternate and efficacious remedy of instituting an election petition after the conclusion of elections. In such an election petition, the petitioner will obviously be in a position to challenge the acceptance of nomination of respondent no.4, which according to the petitioner, is unlawful.

3. The election process has already commenced and the date of poll is 29/01/2016.

4. For the aforesaid reasons, this petition is not entertained. However, liberty is granted to the petitioner to institute election petition if and when any necessity arises for the same.

5. All contentions of all parties are left open.

(M. S. SONAK, J.)