

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13108 OF 2016**

**Yaseen Babalal Thodge & Ors
Vs.
Assistant Registrar & Ors**

..Petitioners

..Respondents

**Mr. R. P. Pawar for the Petitioners
Mr. S. H. Kankal AGP for the Respondents**

**CORAM : R. M. SAVANT, J.
DATE : 24th NOVEMBER, 2016**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 5-11-2016 passed by the Taluka Election Authority and Assistant Registrar (Milk) Kolhapur, by which order, the Appeal filed by the Respondent No.4 herein came to be allowed and resultantly the nomination of the Respondent No.4 for the elections to the Managing Committee of the Society in question came to be reinstated.

2 The nomination of the Respondent No.4 was rejected on the ground that he was a defaulter of one Ramling Vikas Sanstha Ltd., Kadve, Taluka Gaganbawde, District Kolhapur. Against the rejection of the nomination, the Respondent No.4 filed an Appeal before the Taluka Election Authority. It seems that prior there to on the date of the scrutiny of the nominations the Respondent No.4 had cleared all his dues. The Taluka

Election Authority having regard to the said fact allowed the Appeal filed by the Respondent No.4 and accordingly set aside the rejection of his nomination and reinstated his nomination. The Respondent No.4 is contesting from a seat meant for the general category. In so far as the said category is concerned, there are as many as 6 seats and including the Respondent No.4 the candidates are only 4. Hence the Respondent No.4 is expected to be declared elected unopposed on 27-11-2016 which is the date for the elections.

3 The Learned Counsel appearing for the Petitioners would contend that the clearance of the debt due to the concerned society on the date of scrutiny could not have made the Respondent No.4 eligible, as such clearance of debt at the last minute would not remove the ineligibility of a candidate in term of the Judgments of the Learned Singles Judge of this Court in the matter of **Vijaysingh Krishnarao Parbat Vs. Returning Officer, Janata Sahakari Bank Ltd. & Ors.**¹ and in the matter of **Ravi Amrutrao Bagde Vs. The Commissioner, Amravati Division, Amravati & Ors.**²

4 In my view, having regard to the fact that the elections are due on 27-11-2016 as also having regard to the fact that the Respondent No.4 is likely to be declared elected unopposed, the interdiction of this Court in its Writ Jurisdiction is unwarranted. The Writ Petition is accordingly dismissed.

1 2003(2) Mh.L.J. 485

2 2006(1) ALL MR 781

5 However, it would be open for the Petitioners to adopt such proceedings as are available in law to question the election of the Respondent No.4 from the said General Category. If any such proceedings are filed, needless to state that the same would be tried on their own merits and in accordance with law.

[R.M.SAVANT, J]