

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

WRIT PETITION NO.129 OF 2017

Ashok s/o. Chandmal Lodha,
Age : 50 years, Occ. Business,
r/o. Ganesh Housing Society,
Opp Hotel Anvita, Jalna Road,
Dist. Beed
and others

..Petitioners

Vs.

Shri Jain Divakar Shikshan
Prasarak Mandal, through its
Trustees
and others

..Respondents

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Mr.Anjali Dube (Bajpai), Advocate for petitioners
Mr.N.V.Gaware, Advocate for respondent nos.1 to 5
Mr.A.B.Girase, Government Pleader for respondent
no.7

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**CORAM : V.M. KANADE AND
SANGITRAO S. PATIL, JJ.
DATE : JANUARY 06, 2017**

PER COURT :

Not on board. Mentioned. Taken on board.

2. Heard.

3. The grievance of the petitioners is that
time was not given to the members to raise their

objections and on the same day, the voters' list has been accepted. It is submitted that the petitioners' names have been deliberately not considered and excluded from the final voters' list.

4. It is settled position in law that once the election process begins, Courts are not expected to interfere with the election process. The election process has already commenced on 15.12.2016. The petitioners have alternate remedy to challenge the election process by filing an application under Section 22 of the Bombay Public Trusts Act. Moreover, the Assistant Charity Commissioner while passing the impugned order, has observed that the receipts, on which reliance is placed by the petitioners, do not establish that they are genuine members.

5. We, therefore, do not see any reason to interfere with the election process at this

belated stage. Reserving the right of the petitioners to raise the dispute and take recourse to the other remedies, which are available under the law, the petition stands disposed of.

[SANGITRAO S. PATIL, J.]

[V.M. KANADE, J.]

kbp