

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.546 OF 2015

Desai s/o Manappa Sapkal

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.A.N.Nagargoje, advocate for the petitioner

Mr.S.B.Pulkundwar, A.G.P. for Respondents No.1 & 2.

Mr.R.D.Biradar, advocate for Respondents No.3 & 5 to 14.

CORAM : S.B.SHUKRE, J.

DATE : 07th MARCH, 2017

PER COURT:

1 Heard learned Counsel for the petitioner, learned A.G.P. for respondents No.1 & 2 and Shri Biradar, learned Counsel for respondents No.3 & 5 to 14.

2 Even though this Court, by an order passed on 15.01.2015, has directed that the result of the elections shall be subject to the result of this petition, the order having been passed at the time the election programme was going on, now it would have to be considered afresh in view of the subsequent developments.

3 After this order was passed, result of the elections has been declared and therefore, now, remedy of raising election dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960 (for short, "the said Act"), would be available. It

is more comprehensive remedy than the remedy by way of writ petition where no disputed questions of facts can be gone into. Therefore, I am of the view that as an effective alternate remedy is available, it would be better that liberty be given to the petitioner to avail of the same subject to law of limitation.

4 Accordingly, this petition is disposed of with liberty to the petitioner to avail of alternate remedy available under Section 91 of the said Act and if such remedy is availed of by the petitioner, pendency of this petition shall be taken into consideration by the Co-operative Court, in accordance with law. No costs.

S.B.SHUKRE
JUDGE