

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

963 WRIT PETITION NO. 12725 OF 2017

DNYANOBA SOPAN GHUTE

VERSUS

THE STATE ELECTION AUTHORITY AND OTHERS

...

Advocate for Petitioner : Mr.V.D.Salunke

Advocate for Respondent Nos.1 and 2: Mr.S.K.Kadam

AGP for Respondent No. 3: Mr.S.N.Kendre.

Advocate for Respondent No.5 : Mr. A. N. Irpatgire.

...

CORAM : V.K.JADHAV, J.

DATED : 3rd NOVEMBER, 2017.

PER COURT :-

1. The learned counsel appearing for the respondent Nos. 1 and 2 raised a preliminary objection that the petitioner has not impleaded the remaining candidates as respondents in the petition nor impleaded them as respondents in the appeal under section 152-A of the Maharashtra Co-operative Societies Act, 1960, before the Appellate Authority.

2. Learned counsel for Respondent Nos.1 and 2 in order to substantiate his contention, placed his reliance on the Judgment of the Bombay High Court in the case of *Vijaysingh Krishnarao Parbat Vs. Returning Officer*, decided on 09.01.2003 in Writ Petition No.37 of 2003.

3. Learned counsel for the petitioner has also not disputed this legal position. Further, the respondent No.4 is

also yet to be served. The learned counsel for the petitioner submits that the other candidates can be added in view of the Judgment relied upon by the learned counsel for the respondent Nos.1 and 2.

4. The learned counsel for the respondent No.1 and 2, however, submits that the respondent No.4 is not yet served. Since the respondent No.4 not served and even if the remaining candidates are impleaded as the party respondents to this writ petition, they could not be served in time since the voting is fixed on 5th November, 2017.

5. In view of the above, the writ petition is disposed of as rendered infructuous.

(V.K.JADHAV, J.)

mta/-