

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12753 OF 2016
WITH
WRIT PETITION NO.12755 OF 2016
(Gajanan Ramesh Patil and another Vs. The State of Maharashtra
and others)

Mr.A.N.Nagargoje, Advocate for the petitioners.
Mr.S.N.Kendre, AGP for respondent No.1.
Mr.S.K.Kadam, Advocate for respondent No.2.
Respondent No.3 served.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 04/01/2017

PER COURT :

1. Learned Advocate for the petitioners, on instructions from the petitioners present in the Court, submits that the petitioners desire to withdraw these petitions in order to pursue the remedy under Rule 78 of The Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 and prays that this Court may impose a time frame for deciding the said disputes.

2. Mr.Kadam, learned Advocate appearing on behalf of respondent No.2/Returning Officer and the learned AGP appearing on behalf of respondent No.1/State, submit that they are agreeable for an early

decision in the election dispute if it is raised by the petitioners under Rule 78.

3. Despite service of court notice on both the respondent No.3 in these two petitions namely Dilip Madhukar Chavan and Gokul Uttam Patil, none have caused an appearance either through an Advocate or in person.

4. Mr.Nagargoje further submits that if an election dispute is raised, the order passed by the Returning Officer dated 21/12/2016, should not come in the way of the petitioners.

5. Considering the above, both these petitions are disposed of as withdrawn on instructions. If the petitioners in both these petitions, are aggrieved after the results of the elections scheduled on 15/01/2017 are declared in relation with the respondent No.3 candidates in these petitions, they would be at liberty to prefer an election dispute under Rule 78 and in the event such a dispute is raised, the competent authority shall decide the said dispute expeditiously and in any case within a period of 9 months from the date of the institution of the dispute. The litigating sides shall refrain from seeking unnecessary adjournments and the competent

authority would be at liberty to refuse adjournments if the said are found to be based on unreasonable or trivial grounds.

(RAVINDRA V. GHUGE, J.)