

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

WRIT PETITION NO.12830 OF 2016

SUNIL NAMDEO FIRKE.
-VERSUS-
THE RETURNING OFFICER AND OTHERS.

...
Shri Vinod P. Patil, Advocate for the Petitioner.
Shri S.K.Kadam, Advocate for Respondent No.1.
Shri N.T.Bhagat, AGP, for Respondent Nos.3 and 4/ State.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th January, 2017

Per Court:

1 Not on Board. Mentioned. Taken on the Production Board.

2 Mr.Patil, learned Advocate for the Petitioner, on instructions from the petitioner present in the Court, submits that the petitioner desires to withdraw this petition 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 dispute.

3 Mr.Kadam, learned Advocate appearing on behalf of

Respondent No.1/Returning Officer and the learned AGP appearing on behalf of Respondent Nos.3 and 4, submit that they are agreeable for an early decision in the Election Dispute if it is raised by the petitioner under Rule 78.

4 Mr.Patil 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 Petitioner.

5 Considering the above, this petition is disposed of as withdrawn on instructions. If the petitioner is aggrieved after the results of the elections scheduled on 15/01/2017 are declared in relation with respondent No.2/candidate in this petition, he 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 (nine) 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.