

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 2646 OF 2017**

Shri Mohan Dadu Dhende

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. J. P. Kharge for the Petitioner

Mr. S. L. Babar AGP for the Respondent Nos.1 to 4

Mr. Sanjeev Kadam a/w Mr. Prashant Raul and Mr. Ramdas Patil for the Respondent No.3

Mr. A. B. Borkar for the Respondent No.5

CORAM : R. M. SAVANT, J.

DATE : 31st JANUARY, 2017

P.C.

1 The above Writ Petition take exception to the order dated 23-1-2017 passed by the District Co-operative Election Officer and Director Sugar, Kolhapur Division, Kolhapur, by which order the Appeal filed by the Petitioner under Section 152 of the Maharashtra Co-operative Societies Act, (for short the said Act), came to be dismissed resultantly the order dated 11-1-2017 passed by the returning officer, came to be confirmed.

2 The Petitioner herein is a member of the Respondent No.3 sugar factory which is a Co-operative Society registered under the said Act. The elections to the Board of Directors to the Respondent No.3 were announced for the term 2016-2017 to 2020-2021. The Petitioner herein belongs to the reserved category and is a producer member. The Petitioner filled up his

nomination form for contesting the elections from the category of producer member Gat A.

3 An objection was raised on behalf of the Respondent No.5 on the ground that the Petitioner is a defaulter of two societies one Vasant Panipuravtha Sahakari Sanstha Maryadit, Godkhindi and District Co-operative Agricultural Village Multipurpose Bank Ltd., branch Ashta, District Sangli. The said objection was considered by the returning officer and in view of the certificates issued by the said two societies, the returning officer by order dated 11-1-2017 rejected the nomination of the Petitioner under Section 73-CA of the said Act. The Petitioner filed an Appeal against the said order dated 11-1-2017 passed by the returning officer. The Appellate Authority i.e. the District Co-operative Election Officer in view of the undisputed position that the Petitioner was a defaulter of the two co-operative societies and therefore was disqualified to contest the elections under Section 73CA did not find any reason to interfere with the order dated 11-1-2017 passed by the returning officer and accordingly dismissed the Appeal.

4 It was the submission of the Learned Counsel for the Petitioner, that the Petitioner being a reserved category candidate, the provisions of Section 73CA of the said Act could not be applied to him.

5 In my view, the said submission is misconceived as no such exception is carved out in so far as a candidate belonging to the reserved category is concerned in the said Section 73CA. There is no dispute about the fact that the Petitioner is a defaulter in so far as the said societies are concerned. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]