

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1750 OF 2013

YUVRAJ PANDITRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Shri Dahiphale B.B.
h/f Shri Patil N.P. Jamalpurkar
AGP for Respondents 1 & 2 : Shri Shinde B.A.
Advocate for Respondent 3 : Shri Sonkawade A.D.
h/f Shri Hon A.V.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: June 29, 2018

...

PER COURT :-

1. I have considered the submissions of the learned Advocates for the respective sides. However, considering prayer clauses (B), (C) and (D) of this petition, I find that this petition is rendered infructuous. For clarity, prayer clauses (B),(C) and (D) read as under:-

“(B) To quash and set aside the impugned order dated 26.2.2013 passed by the respondent No.2 - Returning Officer, Shri Sant Shiromani Maroti Maharaj Sahakari Sakhar Karkhana Maryadit at Belkund, Taluka Ausa, District Latur, thereby accepted the nomination form of the respondent No.3, overlooking the objection raised by the petitioner.

(C) This Honourable Court may kindly be declared and held that, the respondent No.3 is not eligible member to submit nomination form and to contest the election of Sugar factory Shri Sant Shiromani Maroti Maharaj Sahakari Sakhar Karkhana Maryadit at Belkund, Taluka Ausa, District Latur.

(D) Pending hearing and final disposal of this Writ Petition, the respondent No.3 may kindly be restrained from contesting the election of Managing Committee of Sugar Factory namely Sant Shiromani Maroti Maharaj Sahakari Sakhar Karkhana Maryadit at Belkund, Taluka Ausa, District Latur.”

2. Though the learned counsel for the petitioner vehemently submits that the nomination form of respondent No.3 was wrongly accepted as he suffered a disqualification, the fact remains that this Court, by order dated 12.3.2013, has refused to grant interim relief to the petitioner as against the acceptance of the nomination form of respondent No.3 and he was permitted to contest the election. It is informed that respondent No.3 was subsequently elected. The term of five years for which he has been elected has also been completed in March 2018.

3. The contention of the petitioner is that respondent No.3 is

a defaulter of the Osmanabad Janata Sahakari Bank in his capacity of being a Vice Chairman of Shetkari Sahakari Sakhar Karkhana Ltd., Killari. It requires no debate that the said alleged default was in connection with the elections held on 20.3.2013. It is a matter of speculation as to whether he still is a defaulter as on date. The grievance of the petitioner with regard to the said alleged default was as on date of 2013 elections.

4. Considering the above, this petition is rendered infructuous and is disposed off. Rule is discharged.

5. It is made clear that in the event respondent No.3 contests any new election, the contentions / objections of the petitioner, in relation to that election, against respondent No.3 are kept open.

(RAVINDRA V. GHUGE, J.)

...

akl/d