

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 657 OF 2016

Prashant V. Deore	..	Petitioner
vs.		
The District Deputy Registrar		
Co-operative Societies Nashik & Ors.	..	Respondents

WITH
WRIT PETITION NO. 755 OF 2016

Prakash Murlidhar Pawar	..	Petitioner
vs.		
The District Deputy Registrar		
Co-operative Societies Nashik & Ors.	..	Respondents

Mr. A. D. Sale for Petitioner in WP 657 of 2016.
 Mr. T. Shendge I/b. Mr. Prashant D. for Petitioner in WP 755 of 2016.
 Ms M. S. Bane – AGP for State – Respondent Nos. 1 and 2 in both Petitions.
 Mr. Prashant Jadhav for Respondent No. 4 in WP 657 of 2016.

CORAM : M. S. SONAK, J.
DATE: 24 AUGUST 2018

P.C :

- 1] Heard the learned counsel for the parties.

- 2] In writ petition no. 657 of 2016 which was taken up for consideration along with writ petition no. 660 of 2016, on 18th January 2016, this court declined any interim relief but at paragraph 4 observed as follows :

“4] Both the learned counsel, were not very clear as to whether remedy of election petition is available to the respective petitioners, once the election process concludes. Although, the poll is scheduled for 21 February 2016, the

election process is at a substantially advanced stage. In fact, the last date for filing of the nominations is on 18 January 2016 i.e. today. The scrutiny is scheduled for 20 January 2016. At this stage therefore, making of any orders, would virtually amount to interdicting the election process at a stage prior to its conclusion. Nevertheless, since there is no clarity as to whether the petitioners in both set of these petitions, indeed have a remedy by way of instituting election petition, though interim relief is declined, further hearing in these petition is scheduled for 29 February 2016 at 3 p.m. (HOB). It is however made clear that the elections shall be subject to the result of these petitions.”

3] The aforesaid was in the context of order dated 13th January 2016 made by the District Deputy Registrar rejecting the objections raised by the petitioners to the inclusion of the names of respondent nos. 4 and 3 respectively in the two petitions, in the voters list for the election to Agriculture Produce Market Committee, Umrane.

4] There is no dispute that the writ petition no. 660 of 2016 stands disposed of as withdrawn.

5] Mr. Jadhav, the learned counsel for the respondent no. 4 in writ petition no. 657 of 2016 points out that the petitioner in writ petition no. 657 of 2016 has already instituted election petition, which is numbered as appeal no. 1 of 2016 before the appropriate authority. He points out that the respondent no. 4 has also filed a reply to such election petition.

6] Since, the petitioner has chosen to avail of the remedy under the Act, there is no necessity to keep the present petitions pending. The elections are no doubt be subject to the final orders that will be made in the proceedings instituted by the petitioner in writ petition no. 657 of 2016.

7] Though, there is no clarity as to whether the petitioner in writ petition no. 755 of 2016 has also instituted any election petition, there is really no necessity to keep the writ petition no. 755 of 2016 pending since, admittedly, the challenge in both these petitions was to the order dated 13th January 2016 made by the District Deputy Registrar.

8] The disposal of the present petitions may not be treated as any reflection on the merits of the matter. The authority before whom the election petition has been lodged by the petitioner in writ petition no. 657 of 2016 to dispose of the same on its own merits and in accordance with law. All contentions of all parties are expressly left open.

9] Petitions are disposed of accordingly.

(M. S. SONAK, J.)