

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 730 OF 2019**

NARAYAN VASUDEV MANDREKAR. ... Petitioner

Versus

STATE OF GOA, THR. ITS CHIEF
SECRETARY, GOVT. OF GOA AND 4
ORS.

... Respondents

Mr. Hanumant D. Naik, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. D. Shirodkar, Addl.
Government Advocate for Respondent Nos.1 to 3.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 19th August, 2019

P.C.

Heard Mr. H. D. Naik, learned counsel for the
Petitioner and Mr. D. Pangam, learned Advocate General for
Respondent Nos.1, 2 and 3.

2. In Writ Petition No.722 of 2019, we have indicated the
reason as to why the said petition was not being entertained. The
main reason referred to in the said petition is the availability of
alternate and efficacious remedy to the Petitioner in terms of
Section 83 of the Goa Co-operative Societies Act, 2001 (the said

Act).

3. In this petition as well, the challenge of the Petitioner is to the rejection of his nomination papers and acceptance of nomination papers of Respondent No.5. According to us, these are matters which can be effectively dealt with in an election petition/dispute in terms of Section 83 of the said Act. No case has been made out to persuade our extraordinary jurisdiction. This is more so the issue as to whether there is compliance with the provisions of Section 52(2) of the said Act read with bye-laws of the Society (as amended) is a contentious issue. Merely because the Petitioner may have or not made out any *prima facie* case is not sufficient to deviate from the normal rule that the election has to be called in question by instituting an election petition, once the election process is concluded. Therefore, adopting the reasons in the order made in Writ Petition No.722 of 2019, we reject this petition to grant the Petitioner similar liberty. This means that the Petitioner is free to institute an election petition/dispute in terms of Section 83 of the said Act. If such an election petition/dispute is indeed instituted, the concerned authority will have to dispose of the same on its own merits and in accordance with law without being influenced by the orders which are impugned in this petition. All contentions of parties are therefore expressly kept

open in such an eventuality. The petition is accordingly dismissed with liberty as aforesaid. There shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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