

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

WRIT PETITION NO.12288 OF 2021

**ACHYUT SADASHIV PINGALE
VERSUS
THE RETURNING OFFICER, NAGAR URBAN CO OPERATIVE BANK LTD
AHMEDNAGAR AND OTHERS**

...
Advocate for Petitioner : Mr. Suryawanshi Kamlakar J.
Advocate for Respondent No.1 : Mr. S.K. Kadam
Advocate for Respondent No.2 : Mr. Salgar h/f. Mr. N.V. Gaware
Advocate for Respondent Nos.3,4,6,8 to 10 : Mr. Shaikh M.A. Jahagirdar
Advocate for Respondent No.5 : Mr. Amit Yadkikar
Advocate for Respondent No.7 : Mr. A.V. Sakolkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 16.11.2021

PER COURT :

Heard the learned advocates of both the sides finally at their request.

2. The petitioner who had filed a nomination in the election of the respondent No. 2 Bank is aggrieved by rejection of his objection to the candidature of respondent Nos.3 to 10, by the Returning Officer respondent No.1 by the order under challenge.

3. The learned advocate for the contesting respondents point out that the petitioner has withdrawn his candidature interregnum and has no locus now to assail the order passed by the Returning Officer.

4. The statement of the learned advocates for the contesting

respondents has not been specifically controverted on behalf of the petitioner.

5. A Full Bench of this Court in the case of **Karmaveer Tulshiram Autade and Ors. Vs. The State Election Commission Mumbai and Ors.; 2021 (2) Mh.L.J. 349**, has taken a view that a High Court cannot exercise the jurisdiction under Article 226 and 227 of the Constitution of India in the matters of election at this stage. Though the dispute in that case pertained to election of the Gram Panchayat under the Maharashtra Village Panchayat Act the same analogy can be fruitfully borrowed even in respect of elections to the respondent No.2 Bank under the Maharashtra Co-operative Societies Act, 1960.

6. A coordinate bench of this Court, following the judgment of the Full Bench (supra) in Writ Petition No.12006/2021 with connected matters by the judgment and order dated 05.11.2021 has refused to entertain the Writ Petitions.

7. For the self same reasons, even the present petition is liable to be dismissed and is accordingly dismissed keeping open the liberty to the petitioner to avail of the appropriate remedy.

(MANGESH S. PATIL, J.)