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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.706 OF 2021

Shivaji D. Patil	...Petitioner
V/s.	
The District Co-op. Election Officer & Ors.	...Respondents

Mr.Kishor Patil i/b Mr.Vrishali R. Raje for the Petitioner.

Mr.A.A. Alaspurkar, AGP for the Respondents Nos.2 and 7 – State.

Mr.Deelip Patil Bankar - CSC of SECA for the Respondent Nos.1 and 3.

Mr.Ajit M. Savagave for the Respondent No.5.

Mr.Sandesh D. Patil with Mr.Samir Patil i/b Mr.P.S. Gole for the Respondent No.6.

CORAM : R.D. DHANUKA &
V.G. BISHT, JJ.
DATE : 26TH FEBRUARY, 2021.

P.C. :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 12th February, 2021 passed by the respondent no.1 rejecting the objection filed by the petitioner. It is not in dispute that the election program has been already announced. Mr.Sandesh Patil, learned counsel for the respondent no.6 invited our attention to an order dated 23rd February, 2021 passed by this Court in Writ Petition (Lodging) No.4028 of 2021

in case of **Mr.Jagannath Ramchandra Chaudhari vs. Mr.Sunil Vitthal Patil & Ors.** and would submit that in an identical situation, this Court has already dismissed the petition after adverting to the judgment of the Hon'ble Supreme Court in case of **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha & Anr. vs. State of Maharashtra & Ors., 2002 (1) Mh.L.J.659.** He submits that the remedy of the petitioner if any would be to file the election petition.

2. Mr.Kishor Patil, learned counsel for the petitioner could not distinguish the said order passed by this Court. In our view, the said order passed by this Court applies to the facts of this case.

3. In view of the fact that the election program is already announced, we are not inclined to interfere with the election program. The remedy of the petitioner would be by way of filling election petition.

4. For the aforesaid reasons, the writ petition is disposed of in aforesaid terms on the ground of maintainability.

5. There shall be no order as to costs.

6. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of the parties are kept open.

(V.G. BISHT, J.)

(R.D. DHANUKA, J.)

Vasant
A. Idhol

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Vasant A. Idhol
Date: 2021.02.26
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