

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

WRIT PETITION NO.283 OF 2022

**VIRAYAPPA SAMBHAPPA MATHPATI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Shahaji B. Ghatol Patil
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent Nos. 4 & 5 : Mr. S. K. Kadam
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 06th JANUARY, 2022

PER COURT :

1. The objection of the petitioner on the nomination form of respondent No.7 for the post of member of the Managing Committee of respondent No.6 Society, is rejected by respondent No.5 returning officer. This order is impugned in the present petition. The learned advocate for petitioner seeks that the nomination form of respondent No.7 for the post of Member of Managing Committee be declared as invalid.
2. The learned advocate for respondent Nos. 4 and 5 raised issue of maintainability of the writ petition, in view of availability of alternate remedy to the petitioner.
3. This Court, by relying on decision of the Division Bench of

this Court at Principal Seat in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others, Writ Petition No.5878/2021**, has already taken a view that, in view of availability of alternate and efficacious remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960, read with Rule 78 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014, the petition is not maintainable.

4. In that view of the matter, the writ petition is dismissed with liberty to the petitioner to avail the alternate remedy. All the contentions of the petitioner are kept open.

(NITIN B. SURYAWANSHI, J.)