

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1741 OF 2022

ASHOK DASHRATH SARPATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Ms. Pradnya Talekar h/f.
Talekar And Associates
AGP for Respondent No.1-State : Mrs. V. S. Choudhari
Advocate for Respondents No.2 to 4 : Mr. S. K. Kadam

...
AND
WRIT PETITION NO.1974 OF 2022

JANARDAN RAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Ms. Pradnya Talekar h/f.
Talekar And Associates
AGP for Respondent No.1-State : Mr. S. N. Kendre
Advocate for Respondents No. 2 to 4 : Mr. S. K. Kadam

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11-02-2022

PER COURT :-

The petitioners are aggrieved by the rejection of their objection taken to the candidature of respondent No.5 for contesting the election of Vividh Karyakari Seva Sahakari Sanstha Maryadit, Kinhola, Taluka Vasamat, District Hingoli. Returning Officer has rejected the objection on the ground that no document supporting to their claims are placed on record.

2. Mr. Kadam, learned Advocate for respondents no. 2 to 4, by placing reliance on the decision of this Court at principal seat, in Writ Petition no. 5878 of 2021 (*Dattatraya Genaba Lole and Others Versus The Divisional Joint Registrar Co-operative Societies, Pune and Others*) submitted that, since the petitioners have alternate efficacious remedy, hence, these petitions may not be entertained.

3. The Division Bench of this Court in the said decision has held that the petitioners have alternate efficacious remedy of filing proceedings under Section 91 of the Maharashtra Co-operative Societies Act read with Rule 78 of the Maharashtra Co-operative Societies Rules.

4. In that view of the matter, the Writ petitions are dismissed with liberty to the petitioners to avail alternate remedy. All the contentions of the petitioners are kept open.

(NITIN B. SURYAWANSHI)
JUDGE