

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2559 OF 2022

Sanjay Rambhau Phad

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....
Mr. Subhash Mundhe, Advocate for the petitioner.
Mr. V.H. Dighe for Respondent No. 3.
Mr. S.N. Kendre, AGP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd FEBRUARY, 2022

ORDER :

1. The Petitioner is aggrieved by the rejection of his nomination which is confirmed in appeal by DDR, Sangamner. The nomination of the Petitioner is rejected on the ground that the cut off date prescribed for valid voter was 01.11.2021. The Petitioner became member of the society on 20.07.2020. In terms of Section 27 (3A) of the Maharashtra Co-operative Societies Act, after becoming a member after two years from the date of membership, the member is entitled to vote and participate in the election.

2. The Division Bench of this Court at Principal Seat in the case of *Dattatraya Genaba Lole & Others Versus The Divisional Joint Registrar Co-operative Societies, Pune and Others (Writ Petition No. 5878/2021)*, was considering the challenge raised to the dismissal of the objection application and the preparation of provisional voters' list from which the petitioner's name was excluded. These were held to be intermediate stages in the election process contemplated under the Maharashtra Co-operative Societies Act, 1960 ("the said Act") and the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 ("the said Rules"). The Division Bench, therefore, held the petition to be not maintainable and dismissed the same on the ground of availability of alternate remedy of filing election petition under Section 91 of the said Act read with Rule 78 of the said Rules, after the election result is declared.

3. In view of the above decision of Division Bench, this petition can not be entertained and the same is dismissed, with liberty to the petitioner to avail appropriate remedy as available in law. All the contentions of the petitioner are kept open.

**[NITIN B. SURYAWANSHI]
JUDGE**