

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2655 OF 2022

RAJESH SUDHAKAR WATTAMWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V. D. Salunke
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 : 23-02-2022

PER COURT :-

1. This Writ Petition challenges the Order passed by respondent No.3 the Election Officer for Co-operative Societies, Taluka Jintur, in appeal, thereby setting aside the order of respondent No.4 Returning Officer, who has rejected the nomination of respondent No.5, on the basis of objection raised by the petitioner.

2. The learned Advocate representing respondents No.2 to 4, by relying on the decision of the Division Bench 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, the petitioner has alternate efficacious remedy, hence, the petition may not be entertained.

In that case, the Division Bench 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

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