

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2508 OF 2022

BALASAHEB HARIBHAU JAGTAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. R. R. Suryawanshi
AGP for Respondent - State : Mr. S. N. Kendre
Advocate for Respondents No. 2 and 4 : Mr. V. H. Dighe
Advocate for Respondent No.5 : Mr. Dnyandeo Wankhede
Advocate for Respondent No.6 : Mr. Chandrakant Thombare

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 21-02-2022

PER COURT :-

The objection taken by the petitioner to the nomination of respondent No.6, on the ground that he is defaulter, was accepted by respondent No.4 Returning Officer. The respondent No.6 challenged the order of respondent No.4 Returning Officer by filing Appeal under Section 152-A of the Maharashtra Co-operative Societies Act, 1960 ("the said Act"), which came to be allowed by respondent No.3 the Assistant Registrar, Co-operative Societies, Taluka Parali- Vajinath, District Beed, and the order passed by respondent No.4 Returning Officer was set-aside. The order of respondent No.3 is impugned in the present petition.

2. The learned Advocates for respondents No.2 and 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 said Act and the Maharashtra Cooperative 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