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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4275 OF 2022

Santosh Dagdu Patil

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Paresh B. Patil (Borse) Advocate for the petitioner

Mr. S. N. Kendre, AGP for respondent - State

Mr. V. H. Dighe, Advocate for respondent No.3

Mr. P. H. Patil, Advocate for respondent No.4

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd APRIL, 2022

ORDER :

1. The petitioner objected to the nomination of respondent No. 4 on the ground that name of the proposer is not mentioned in the nomination form. The objection of the petitioner was accepted by the returning officer and nomination of respondent No.4 was cancelled.

2. Being aggrieved, respondent No.4 filed appeal under section 152A of the Maharashtra Co-operative Societies Act before respondent No.2. The appeal is allowed and nomination of respondent No.4 is accepted, accepting the contention of respondent No.4 that it is a technical and inadvertent error. The

petitioner is aggrieved by this order.

3. This petition raises several disputed questions of fact. The polling is scheduled on 24th April, 2022. The other contesting candidates from the constituency in which respondent No.4 is contesting the election, are not arrayed as party respondents.

4. In that view of the matter and in the light of the decision in the case of *"Baghele Narottam Gendalal V/s State of Maharashtra and Others"* 2016 (4) Mh.L.J. 353, this court is not inclined to entertain the writ petition as the election process is in advanced stage.

5. In the light of the decision of the Division Bench of this Court at Principal Seat in Writ Petition No. 5878 of 2021 (*Dattatray Genaba Lole and Others V/s The Divisional Joint Registrar Co-operative Societies, Pune and Others*), the petitioner has alternate efficacious remedy.

6. The writ petition is, therefore, dismissed with liberty to the petitioner to avail alternate remedy. All the contentions of the petitioner are kept open.

[NITIN B. SURYAWANSHI]
JUDGE