

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4416 OF 2022

**ROHIDAS BABASAHEB KARDILE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. V. D. Sapkal, Sr. Advocate i/b
Mr. S. R. Sapkal

AGP for Respondents – State : Mr. P. N. Kutti
Advocate for Respondent No.3 : Mr. V. H. Dighe
Advocate for Respondent No.5 : Mr. S. R. Andhale

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19TH APRIL, 2022

PER COURT :

1. The petitioner challenges acceptance of nomination of respondent No.5 filed for elections of respondent No.4 Society. Admittedly, the petitioner has not raised any objection at the time of scrutiny of nomination papers which was done on 24-03-2022. The final list of validly nominated candidates was declared on 25-03-2022. Thereafter, on 06-04-2022 the petitioner submitted objection claiming that respondent No.4 is defaulter and therefore, is not eligible to contest the election.
2. Since this petition raises several disputed questions of facts and as the polling is due on 22-04-2022 this Court is not inclined to entertain this petition at this stage.

3. The learned senior advocate representing the petitioner placed reliance on ***Manchak Shahaji Pawar Vs. State of Maharashtra & Others, 2011(3) Bom.CR 812*** and the judgment of this Court in ***Writ Petition No.3894/2022 (Balasaheb Karbhari Kachre Vs. The State of Maharashtra and Others)***.

4. In the facts of the present case, since the petitioner has failed to raise any objection at the time of scrutiny of nomination papers and the election programme is at advance stage this Court is not inclined to exercise extraordinary writ jurisdiction in favour of the petitioner.

5. In the light of **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, the petitioner has alternate remedy available.

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

(NITIN B. SURYAWANSHI, J.)