

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

WRIT PETITION NO.5919 OF 2022

**ACHYUT JANARDHAN SATHE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. A. N. Irpatgire
AGP for Respondent No.1 : Mr. S. N. Morampalle
Advocate for Respondent Nos.2 & 3 : Mr. S. K. Kadam
Advocate for Respondent No.4 : Mr. V. D. Salunke
Advocate for Respondent No.5 : Mr. Sujit A. Patil

...

CORAM : MANGESH S. PATIL, J.

DATED : 20 JUNE 2022

PER COURT :

1. The respondent no.3 has published an election programme of the election of managing committee of respondent no.5 society under Rule 18 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. According to the election programme, the last date to submit the nomination papers was 02 June 2022. The Respondent no.4 submitted his nomination on that day. The scrutiny was scheduled on 03 June 2022.

2. The petitioner raised an objection on the ground that the respondent no.4 has incurred disqualification under section 73-CA(1)(c) of the Maharashtra Co-operative Societies Act, 1960, being a person having an advance from the respondent no.5 society.

3. The respondent no.3 by the order under challenge has discarded the objection for the reasons mentioned in the impugned communication. The petitioner is challenging acceptance of the nomination of respondent no.4 in the ongoing election programme. The final list of valid candidates has been published today. The symbols are to be allotted tomorrow.

4. In view of the specific contentions being raised by the respondent no.4 and taking into account the fact that there are disputed questions of fact as to whether the respondent no.4 has incurred the disqualification as is being alleged, it would be appropriate that the petitioner is left to avail of the appropriate remedy at an appropriate stage instead of indulging in a fact finding scrutiny in exercise of the writ jurisdiction.

5. The writ petition is dismissed with a liberty to the petitioner to avail of the appropriate remedy at an appropriate stage.

(MANGESH S. PATIL, J.)

Tandale/-