

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

WRIT PETITION NO.5926 OF 2022

**JANARDHAN NARHARI SHINDE
VERSUS
THE STATE CO-OPERATIVE ELECTION AUTHORITY AND OTHERS**

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Advocate for Petitioner : Mr. R. P. Bhumkar
AGP for Respondent - State : Mr. S. N. Morampalle
Advocate for Respondent Nos.1 and 2 : Mr. S. K. Kadam

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CORAM : MANGESH S. PATIL, J.

DATED : 17 JUNE 2022

PER COURT :

1. The petitioner is aggrieved by the acceptance of nomination of respondent no.3 in the ongoing elections under the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.
2. By the order under challenge, the petitioners' objection about the respondent no.3 having incurred disqualification for having three children after the cut off date has been turned down.
3. I have heard the learned advocate Mr. Bhumkar for the petitioner and learned advocate Mr. Kadam for Respondent Nos. 1 and 2 and perused the papers.

4. Admittedly, it is the matter of acceptance of nomination. The nominations have been finalized today itself and the symbols are to be allotted tomorrow. The question as to if the respondent no.3 is indeed disqualified for the alleged reason is a pure question of fact. The impugned order reads that neither the objection was precise and in respect of any specific candidate, even the record which is now being produced in the form of a downloaded copy of Aadhar enabled distribution system was not produced before him. The respondent no.2 in his affidavit-in-reply has mentioned all these circumstances.

5. Considering the fact that the matter involves disputed questions of fact, an inquiry into which cannot be undertaken at this stage in this writ petition, the writ petition is dismissed, keeping open to the petitioner an appropriate remedy or challenge at an appropriate stage.

(MANGESH S. PATIL, J.)

Tandale/-