

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9221 OF 2022

Prabhakar Dinkar Lohagale

PETITIONER

VERSUS

The State Co-operative Election Authority & Ors. RESPONDENTS

.....

Mr. K.J.Suryawanshi h/f Mr.S.G. Kawade, Advocate for petitioner

Mr. K. B. Jadhavar, AGP for respondent - State

Mr. S. K. Kadam, Advocate for respondents No.1 and 3

Mr. Ranjit Gaikwad, Advocate for respondents No.14 to 19

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd SEPTEMBER, 2022

ORDER :

1. Nomination form of the petitioner is rejected on the ground that his proposer and seconder are non borrower members. Learned advocate for the petitioner submits that after 2014, the borrower and non borrower members' category is removed and there is only general category for which nominations were to be filed.

2. *Prima facie*, the submission of the learned advocate for the petitioner is acceptable. Though the petitioner has good case on merits, however, taking into consideration the fact that the election is in advance stage and voting is scheduled on 25th

September, 2022, this Court, at this stage, is not inclined to interfere in the election process.

3. Writ petition is, therefore, dismissed with liberty to the petitioner to avail alternate remedy of filing dispute under section 91 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 78 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 . All the contentions of the petitioner are kept open.

[NITIN B. SURYAWANSHI]
JUDGE