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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9824 OF 2022

Yogesh Udhav Thombre

PETITIONER

VERSUS

The Secretary State Co-operative Election
Authority and Others

RESPONDENTS

.....

Mr. Prasad D. Jarare, Advocate for the petitioner
Mr. S. K. Kadam, Advocate for respondents No.1 to 3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd SEPTEMBER, 2022

ORDER :

1. The petitioner impugns order passed by respondent No.3, thereby rejecting the objection of the petitioner to the nomination of respondent No.4 for the elections of respondent No.5 society on the ground that he has more than two children.
2. The election programme is in advance stage. This petition raises several disputed questions of fact, which cannot be gone into in the extraordinary writ jurisdiction.
3. In the light of observations 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), this Court is not inclined to entertain the writ petition on the ground of availability of alternate efficacious remedy of filing election dispute.

4. Writ petition is, therefore, dismissed with liberty to the petitioner to file 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