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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1465 OF 2022

Sitaram Chimaji Kudekar .. Petitioner
Versus
State of Maharashtra through it's
Secretary, Dept. of Co-Operation & Ors. .. Respondents

...

Mr.S.S.Kanetkar with Mr.Nikhil Dongre for the Petitioner.
Mr.A.P.Vanarse, AGP for the State/Respondent.

...

CORAM: RAVINDRA V. GHUGE, J.
DATED : 15th FEBRUARY, 2022

P.C:-

1. By this petition, the petitioners/contesting candidates, have put forth prayer clause 12(a), (b), (c) and (d) as under :-

“a) That this Hon’ble Court may be pleased to issue writ of certiorari or any other writ, order of direction the nature of writ of certiorari thereby to quash and set aside the impugned Order dated 01.02.2022 passed by the Respondent No.3 i.e. Returning Officer.

b) The objection filed by the Petitioner to the nomination of the Respondent No.4 be allowed and the nomination of the Respondent No.4 for contesting the elections to the Managing Committee of the Vashere Vividh Karyakari Sanstha Maryadit for period of 2021-2016 be held as invalid.

c) Pending the hearing and final disposal of the Writ Petition, the impugned order dated 01.02.2022 passed by the Respondent No.3 Returning Officer, holding the nomination of the Respondent No.4 as valid be stayed.

d) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court may be pleased to stay the further elections to the Managing Committee of Vashere Vividh Karyakari Sanstha Maryadit Taluka Khed, Dist. Pune for the period 2021-2026."

2. This petition was circulated on 14/02/2022 and was granted urgent circulation today. At this stage of issuance of notice, the petitioner has prayed for staying the elections. The election programme has been declared on 21/01/2022. Today is the date for withdrawal of nomination forms upto 3.00 p.m. Polling is scheduled on 27/02/2022 and counting of voter is to follow thereafter.

3. The grievance of the petitioner is that the nomination forms of respondent No.4, which has been accepted by the Returning Officer, be declared as invalid in light of the objections raised by the petitioner. He is said to be such person on whom a liability has been fixed under Section 88 of the Maharashtra Co-Operative Societies Act, 1960.

4. It is well settled that disputed questions cannot be considered in the writ jurisdiction of this Court and more so in election matters. It is equally settled that this Court

cannot pass orders of staying the elections or postponing the elections or set aside the nomination form of a candidate, ex-parte.

5. In view of the above, this petition, is dismissed.

(RAVINDRA V. GHUGE, J.)