

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 2997 OF 2022

Suresh s/o Dattuji Meshram

Vs.

Election Returning Officer, Yavatmal and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Abhay Sambre, Advocate for petitioner.
Mr. K.L. Dharmadhikari, AGP for respondent/State.
Mr. P.D. Pande, Advocate for respondent No.2.

CORAM : MANISH PITALE J.

DATE : 07.06.2022.

By this petition, the petitioner is challenging an order whereby an objection to acceptance of nomination papers of respondent No. 4 for election to the respondent No.2 – Society has been rejected. Although the learned counsel appearing for the petitioner sought to raise grounds on merits and submitted that a strong case was made out by the petitioner, a preliminary issue regarding maintainability arises in the facts and circumstances of the present case.

2. In the case of ***Pandurang Laxman Kadam and Ors. Vs. State of Maharashtra and Ors., 2016 (6) Bom.C.R. 75***, it has been held that all grounds including the issue that is

sought to be raised in the present petition pertaining to the acceptance of nomination papers are to be raised in a properly instituted dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960.

3. This position has been reiterated by another Division Bench of this Court in the case of ***Dattatray Genaba Lole and Ors. Vs. Divisional Joint Registrar Cooperative Societies (Writ Petition No.5878/2021 decided on 26.11.2021)***, on the preliminary objection regarding maintainability of the writ petition. It has been held that the petition is to be rejected as the aforesaid aspect of acceptance or rejection of nomination papers is an integral and intermediate stage of the election process.

4. In view of the above, it is found that the writ petition is not maintainable. Accordingly, it is dismissed. The petitioner would be at liberty to avail of the aforesaid remedy under the provisions of the said Act.

JUDGE