

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2629/2021

(BALKRISHNA GHANSHYAM BHUTE **VERSUS** STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms Ayushi H. Dangre with Shri H.D. Dangre, counsel for the petitioner.
Shri A.A. Madiwale, A.G.P for the R-1, 3 & 5.
Shri S.S. Ghate, counsel for the R-2.
Shri S.S. Paliwal, counsel for the R-3.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : FEBRUARY 23, 2022.

By this writ petition, the petitioner seeks a direction to be issued to the respondent nos.1 to 3 to commence the election process for holding elections to the Managing Committee of the respondent no.4-Society. Support is sought to be taken from the statements made in the representation dated 15.06.2021 that was submitted by the petitioner making this request to the concerned Authority. Since there was no favourable response, the petitioner has approached this Court.

Elections in question have to be conducted by the respondent no.2-State Co-operative Election Authority. Affidavit on its behalf has been placed on record wherein reference is made to the order dated 14.12.2021 passed at the Principal Seat in **Writ Petition No.8002 of 2021** [*Sagar Maruti Patil & Another Versus State of Maharashtra & Another*] wherein the phase-wise programme of holding the elections was placed on record by the said respondents and the same was accepted by the Court as an undertaking to it. Further this Court refused to make an exception in issuing a direction for holding elections prior to the period/phase mentioned in the said affidavit. It is pointed out that the respondent no.4-Society is covered by Phase 4 and the elections for that phase would be held after completion of elections to the Managing Committee of the Societies in Phases 1 to 3.

Having heard the learned counsel for the parties, we are satisfied that the elections to the Managing Committee of the respondent no.4-Society would be held in Phase 4 as per the affidavit submitted by the State Co-operative Election Authority. The grievance of the petitioner as regards the manner in which the present affairs of the Society are being conducted would give a separate cause of action to the petitioner to take remedial steps against those who are in Office.

By directing the respondent no.2-State Co-operative Election Authority to hold the elections to the Managing Committee of the respondent no.4-Society in Phase 4, the writ petition stands disposed of with no order as to costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)

APTE