

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

WRIT PETITION NO. 3687 OF 2022

Mahesh s/o Dnyandeo Tawale

Vs.

District Deputy Registrar, Sahakar Sadan, Nagpur and Ors.

AND

WRIT PETITION NO. 3690 OF 2022

Mahesh s/o Dnyandeo Tawale

Vs.

District Deputy Registrar, Sahakar Sadan, Nagpur and Ors.

AND

WRIT PETITION NO. 3691 OF 2022

Mahesh s/o Dnyandeo Tawale

Vs.

District Deputy Registrar, Sahakar Sadan, Nagpur 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. Sandeep Marathe, Advocate for petitioner in all
petitions.

Ms. T.H. Khan, AGP for respondent State in WP
No.3687/2022.

Mr. K.L. Dharmadhikari, AGP for respondent/State in
WP No.3690/2022.

Ms. T.H. Khan, AGP for respondent/State in WP
No.3691/2022.

CORAM : MANISH PITALE J.

DATE : 05.07.2022.

In these writ petitions, the petitioners
have challenged impugned orders passed by the
respondent No.2 – Election Officer i.e. the Assistant
Registrar, Co-operative Societies, Umred, whereby

objections taken by the petitioners for acceptance of nomination papers have been rejected.

2. The learned counsel appearing for the petitioners in these writ petitions, vehemently submitted that the impugned orders are unsustainable on the face of it on various grounds and material in support of such contentions was sought to be relied upon.

3. But, as per the Division Bench judgment of this Court in the case of ***Pandurang Laxman Kadam Vs. State of Maharashtra and ors. 2016 (6) Bom.C.R 75***, in such cases concerning challenge to acceptance or rejection of nomination papers, which is an integral part of the process of election, remedy available under Section 91 of the Maharashtra Co-operative Societies Act, 1960, is an efficacious remedy for the aggrieved persons.

4. In the said judgment of the Division Bench of this Court a specific contention raised on behalf of similarly situated aggrieved persons that the said remedy under Section 91 of the aforesaid Act was inefficacious and that, if the challenge is postponed, it would be rendered meaningless, has been rejected and it has been held that the Writ Court ought not to exercise jurisdiction in such

cases. In paragraphs 12 and 13 of the said judgment, two exceptions have been noted wherein the entire election process was found to have been vitiated, because more than 97% of the voters were sought to be disenfranchised and in such extreme circumstances only, it was observed that the Writ Court may consider exercising jurisdiction.

5. This Court is of the opinion that the facts of the present cases do not make out such an exceptional case and that therefore, the writ petitions cannot be entertained.

6. In view of the above, the writ petitions are dismissed.

7. Nonetheless, it is made clear that the petitioners would be entitled to avail of the remedy available to them under Section 91 of the aforesaid Act.

8. This Court has not expressed any opinion on the merits of the contentions raised on behalf of the petitioners.

JUDGE