

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

WRIT PETITION NO. 7009 OF 2022

Shri Dharmavir Premdas Shambharkar and others
..VS..

The Maharashtra State Cooperative Societies Election Authority, Pune and others

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

Court's or Judge's orders

Mr. C.P. Chandurkar, Advocate for petitioners.
Mrs. N.P. Mehta, Assistant Government Pleader for respondent
Nos.2 and 3.
Mr. Virat Mishra, Advocate for respondent No.4.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 10.11.2022

Heard Mr. Chandurkar learned counsel for the petitioner, Mrs. Mehta, learned Assistant Government Pleader for respondent Nos.2 and 3 and Mr. Virat Mishra, learned counsel for respondent No.4.

2. The grievance aired by the petitioners is that although all of them are interested in contesting the election to the Governing Body of respondent No.4 – Society and that they have a right to do so, such right has been taken away by the fact that no nominations forms were issued to them. It is an admitted fact that the last date of submission of the nomination forms was 02.11.2022, as seen from the election programme (page No.51) and it is also an admitted fact that the

petitioners applied for issuance of the nomination forms in their favour two days after the last date for submission of the nomination forms was over. If this is the case, we do not find any fault on the part of the Election Officer in refusing to issue nomination forms to these petitioners.

3. It is however, the contention of the learned counsel for the petitioners that the petitioners were in the dark about publication of the election programme and that they learnt about the same only on 04.11.2022 when, each of them, without losing any further time, applied for issuance of the nomination forms in their favour. It is also contended that the election programme has not been published in accordance with law and the requirement of law is that it must be affixed on the notice board of the Head Office of the Society and also on the notice boards of all the branches of the Society. In this case, branches of the Society did not receive the notice of election programme.

4. On carefully going through the public notice of election programme at page No.51, we find that it was notified and published by following the same procedure of law as has been pointed out to us by the learned counsel for the petitioners. This notice published in newspaper "Punya Nagari" dated 27.10.2022 itself mentions that the election programme was published on the notice board of the Head Office of the Society and also on the notice boards maintained at all the branches

of the Society. Now, if it is the contention of the petitioners that these facts are incorrect, it would be a matter which would give rise to the disputed questions of fact for the adjudication of which, the forum is elsewhere.

5. In view of above, we find no substance in this petition and the Writ Petition stands dismissed. No costs.

JUDGE

JUDGE

Kirtak