

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.668 OF 2023

BHAGWAT WAMAN FIRKE
VERSUS
THE DISTRICT DEPUTY REGISTRAR AND OTHERS

...
Advocate for Petitioner : Mr. P. N. Nagargoje h/f Thoke D. B
AGP for Respondents-State : Mr. G. O. Wattamwar
Advocate for Respondent No.2 : Mr. V. H. Dighe

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CORAM : ARUN R. PEDNEKER, J.
DATE : 17th January, 2023

PER COURT :

1. Heard the learned Advocate for the petitioner. The petitioner's nomination to the election of the Managing Committee-respondent No.3 the Jalgaon Nagari Sahakar Patpedhi Maryadit Jalgaon, Tal. And Dist. Jalgaon, is rejected on account of the fact that his nomination was not accompanied with proof of deposit of the fees of Rs.50,000/- as is required the by-laws of the Society.
2. The learned Advocate for the petitioner submits that he has a deposit in saving account of Rs.50,000/- and it is a good deposit for the purposes of nomination.
3. The learned Advocate appearing for the election authority-respondent No.2 The Returning Officer submits that the petitioner was not able to prove at the time of scrutiny that the petitioner was having

Rs.50,000/- in his account. He further submits that Rs.50,000/- is required to be in fixed deposit. In an Appeal filed before the Appellate Authority, the Appellate Authority has non-suited the petitioner on the ground that, the petitioner was not able to produce proof of Rs.50,000/- deposited in his bank account. The respondent No.1 Appellate Authority has also non-suited the petitioner for not making all the nominated candidates as parties to the appeal.

4. Having perused the impugned order, since there are disputed questions as to existence of Rs.50,000/- deposited in the petitioner bank account at the time of nomination and whether such a deposit in saving bank account is good enough or the same ought to have been in the fixed deposit, requires to be interpreted while dealing with this matter, is a property constituted election petition.

5. In view of the same, this Court will not exercise its writ jurisdiction and dismiss the writ petition with liberty to avail the alternate remedy available to the petitioner.

(ARUN R. PEDNEKER, J.)

vj gawade/-.