

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.6671 OF 2023

**KAKASAHEB BARUWAN MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Mr.Kamble Shirish M.
AGP for Respondent Nos. 1 & 2 State : Mr.K.N.Lokhande
Advocate for Respondent No. 3 : Mr. S.K.Kadam

...

**CORAM : KISHORE C. SANT, J.
DATE : 22.06.2023.**

PER COURT :

1. Heard the learned Advocate for the parties for some time.
2. The main grievance of the petitioner is against the order passed by the Returning/Election Officer dated 30.05.2023 and the dismissal of the appeal by the Divisional Joint Director (Sugar), Aurangabad, by confirming the order of the Returning Officer.
3. The petitioner is not allowed to contest the election on the ground of non compliance of bye-law No. 28 (2) of the Maharashtra Co-Operative Societies Act, 1960, as he has not supplied the sugarcane for three years, within preceding five

years to the sugar Factory. This Court has already taken a view that the said bye-law is mandatory and no relaxation can be given, for whatever reasons. This Court is not inclined to entertain the petition. In view of the submission of Mr. S.K. Kadam, appearing for respondent No. 3, that now the election process is already set in motion and the voting is also scheduled on 25.06.2023, therefore, passing an order would be causing an interference in the election process.

4. The learned Advocate for the petitioner relied upon the judgment in the case of **Asaram s/o Patilba Gorde v. State of Maharashtra and Others reported in [1997(2) Mh.L.J. 860,** wherein it is held that in exceptional circumstances this Court can interfere with the election programme even after the election process is set in motion. However, this Court finds that there is no such extraordinary situation shown to cause interference.

5. Considering all these aspects, this Court finds that the petition cannot be entertained and the same deserves to be dismissed. In view of the same, the petition is dismissed.

(KISHORE C. SANT)
JUDGE

mahajansb/