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

909 WRIT PETITION NO. 15686 OF 2023

**SURESH SOPANRAO PAWAR
VERSUS
DISTRICT DEPUTY REGISTRAR, LATUR AND OTHERS**

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Mr R. D. Biradar, Advocate for Petitioner;
Mr V. H. Dighe, Advocate for Respondent No.1
Mr S. K. Tambe, A.G.P. for Respondent/State
Mr D. J. Choudhari, Advocate for Respondent No.10
Mr R. D. Gaikwad, Advocate for Respondent No.23

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21st December, 2023

PER COURT:

1. The grievance of the Petitioner is that, his objections have been illegally rejected by the Returning Officer, concluding that the Respondents have supplied sugarcane for five consecutive dates preceding the cut-off date. According to the Petitioner, the Managing Director has issued a bogus certificate in favour of some of the persons, whose nomination forms are accepted. He tenders across the bar a copy of a document signed by Shri. S. B. Rawal, Regional Joint Director (Sugar), Nanded, addressed to the Special Auditor (Sugar), Class-1, Co-operative Societies, Latur, stating therein that the Managing Director (In-charge) has issued a bogus

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certificate and an enquiry is required to be conducted. This communication is dated 15/12/2023.

2. The learned Advocates appearing for the Respondents submit that, merely because the above communication is issued, it does not mean that the Managing Director is guilty of issuing a bogus certificate. An enquiry will have to be conducted as prescribed in law, and thereafter, a conclusion will have to be drawn, as to whether the certificate was genuine or bogus.

3. The Election programme has already been declared which is at page No.18 of the Petition paper book. The last date for withdrawal of the nomination form is 26/12/2023. The polling date is 07/01/2024.

4. Notwithstanding the above, the issue before us is, as to whether the Managing Director is right or the Regional Director is right. The Managing Director has issued a certificate to the concerned Respondents with regard to supplying sugar. The Regional Director apprehends that, it may not be a truthful certificate. He expressed that an enquiry is required to be conducted as may be prescribed in law. This Court cannot go into a situation of “word against word” on the basis of disputed documents.

5. Reliance is placed by the Petitioner on the judgment delivered by this Court in the matter of **Dalsing Shamsing Rajput Vs. State of Maharashtra and others, [2006 (3) Mh.L.J. 592]**, which is misconceived, for the reasons that, in the said case, the Court came to a conclusion that, Respondent No.5 was ineligible to contest the election to the Managing Committee of the Society. This was done without disturbing the election programme. In the present case before us, it has to be first concluded, as to whether the report of the Managing Director is truthful or, as to whether the opinion expressed by the Regional joint Director is the truth. Without any conclusion on this aspect, we would not presume that the Managing Director is guilty of issuing a certificate.

6. In view of the above, we do not deem it appropriate to resort to a roving inquiry to verify, as to whether the certificate is truthful or not? As such, keeping the statutory remedies open to the Petitioner, **this Writ Petition is dismissed.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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