

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2276 OF 2023

Sushant Abhimanyu Chavande ... Petitioner

versus

State of Maharashtra and Others ... Respondents

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Mr.Rakesh Bhatkar i/b. Mr.Mohan N.Devkule for the Petitioner.

Mr.B.V.Samant, Addl. GP with Ms.R.A.Salunkhe, AGP for Respondent No.1-State.

Mr.Dilip Bodake for Respondent Nos. 2 and 4.

Mr.Dileep Satale i/b. Mr. A.V.Pawaskar for Respondent No.5.

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**CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 12 DECEMBER 2023

P.C.:

The Petitioner had filed this petition on 14 February 2023 seeking to stay the election process of Respondent No.5- society. The elections were conducted on 22 February 2023 and the results were also declared on the same day.

2. On 1 March 2023, when the petition came up on board, Respondent No.5 –society was not represented. After hearing the learned AGP and the learned Counsel for Respondent Nos. 2 and 4 , the Division Bench stayed the election held on 22 February 2023 and adjourned the matter to 21 March 2023. Thereafter, it was

adjourned to 6 April 2023 and the last order being of 14 June 2023. Thereafter, the petition has not been listed. Therefore, the petition is circulated by Respondent No.5.

3. The learned Counsel for the Petitioner sought to contend that the Petitioner has good grounds to set aside the election and cancel the entire election process. The Petitioner may have good grounds to set aside the election, but once the election is now held, and the results are declared, as per the settled law, the remedy provided under the concerned statutory provisions to question the election result will have to be adopted. This has been consistent view taken by the Courts following the dicta of the Apex Court.

4. That being the position, keeping all contentions of the parties open, in case the dispute regarding the election is raised, we dispose of the writ petition.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)