



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 2732 OF 2024

MATSYAGANDHA MATSYA VYAVSAIK SAHAKARI SANSTHA
MARYADIT THROUGH ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for the Petitioner : Mr. Shelke Manoj Uttamrao
AGP for Respondents/State : Mr. A.S. Shinde
Advocate for Respondent Nos. 2 to 4 : Mr. Kadam S.K.

...

CORAM : S. G. MEHARE, J.
DATE : 17th APRIL, 2024.

PER COURT :

1. Heard the learned Counsel for the Petitioners and the learned AGP for the Respondent/State.
2. An objection was raised that considering the prayer Clause – (D) the matter would be listed before the Hon'ble Division Bench. The learned Counsel for the petitioners argued for some time and prayed that he would delete the prayer Clause-(D).
3. Leave granted to delete it.
4. Thereafter, he argued the matter and submits that

since the election was held democratically and the results were declared, the remedy is under Section 91 of the Maharashtra Co-Operative Societies Act. However, he wants to submit that the illegalities have been committed in the election. The law is settled that where a statutory remedy is available, the High Court should not exercise its powers unless require in exceptional case. No such exceptional circumstance exist in this case. The election dispute is a statutory remedy to the petitioner. Hence the petition stands dismissed.

5. The learned Counsel for the petitioner submits that leave may be granted to the election dispute, since law provides for the legal remedy. There is no question to grant leave.

6. The time spent in defending the litigation here may be considered at the time of filing of the appeal, if the appeal is preferred.

(S. G. MEHARE)
JUDGE

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