



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO. 4003 OF 2023

Tushar Kashinath Shisode
age 50 yrs, Occ. Agriculture,
R/o Dhakephal, Tq. Paithan,
District Aurangabad and the
Chairman of Shri Sant Eknath
Sahakari Sakhar Karkhana Limited
At Eknath Nagar, Paithan,
Tq. Paithan, Dist Aurangabad. Petitioner.

VERSUS

1. The State Of Maharashtra
Through The Secretary
Cooperation Department,
Mantralaya, Mumbai.
2. The State Cooperative Election
Authority, Maharashtra State,
Sakhar Sankul Office,
Pune.
3. The Regional Joint Director of Sugar,
Aurangabad and the Joint Registrar,
Co-operative Societies and the District
Cooperative Election Authority,
Aurangabad.
4. The District Deputy Registrar,
Co-operative Societies, Aurangabad.
Shri Mukesh Barhate.
5. The Assistant Registrar,
Co-operative Societies,
Phulambri, Tq. Phulambri,
District Aurangabad Shri
V.P Rodge.

6. Shri R.T. Shelke,
Administrator,
Shri Sant Eknath Sahakari
Sakhar Karkhana Limited,
At Eknathnagar, Tq. Paithan,
Dist Aurangabad. Respondents.

...

Advocate for the Petitioner : Mr. V D Hon Sr. Counsel i/b Mr
A.V. Hon
AGP for Respondents 1,4,5 : Mr. N S Tekale
Advocate for Respondents 2,3 : Mr. S K Kadam
Advocate for Respondent 6 : Mr. P.K. Nikam & Jadhav M.D

...

WITH

CIVIL APPLICATION NO.6060 OF 2023 IN WP/4003/2023

Bhaskarrao Kisanrao Raut And Others

VERSUS

Tushar Kashinath Shisode And Others

...

Advocate for Applicant : Mr. Salunke Mayur Vasant
AGP for Respondents: Mr. N.S. Tekale
Advocate for Respondents 2,3 : Mr. S.K. Kadam
Mr. A.V. Hon advocate for petitioner in WP

...

WITH

CIVIL APPLICATION NO. 7993 OF 2023 IN WP/4003/2023

Jagannath Shivaji Chitale And Others

VERSUS

The State Of Maharashtra Through The Secretary And Others

...

Advocate for Applicant : Mr. Suryawanshi Kamlakar J.
AGP for Respondents: Mr. N.S. Tekale
Advocate for Respondents : Mr. S.k. Kadam For R/2 & 3 In Wp
Adv. A.v. Hon, Petitioner In Wp

...

WITH

CIVIL APPLICATION NO. 14784 OF 2023 IN WP/4003/2023

Bhausahab Vitthalrao Pise And Ors

VERSUS

Tushar Kashinath Shisode And Ors

...

Advocate for Applicant : Mr. Vijay B. Jagtap

AGP for Respondents: Mr. N.S. Tekale

Advocate for Respondents : Mr. S. K. Kadam For R/2 And 3 In
W.p., Adv. P. K. Nikam & M.D. Jadhav For R/6 In W.p.

...

**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : January 23, 2024

PER COURT :-

1. Present petition has been filed mainly for following reliefs :-

“B. Issue a writ of certiorari or writ in the nature of certiorari to quash and set aside the order dated 28.3.2023 passed by respondent no.3 appointing administrative Board of respondent nos.4 and 5 for a period of six months on Shri Eknath Sahakari Sakhar Karkhana Limited at Eknath Nagar, Tq. Paithan, District Aurangabad.

C. Issue a writ of mandamus or writ in the nature of mandamus to the respondent nos.2 and 3 to forthwith take necessary steps for declaring the election programme for electing the managing committee members of Shri Eknath Sahakari Sakhar Karkhana Limited at Eknath Nagar, Tq. Paithan, District Aurangabad.”

And, thereafter, by way of amendment following reliefs were added :-

“BB. Issue a writ of certiorari or writ in the nature of certiorari to quash and set aside the order dated 28.6.2023 of the State Government, Ministry of Co-operation, Marketing, Handloom

and Textile Department, Mantralaya, Mumbai to the extent of the petitioner Karkhana.

BBB. Issue a writ of mandamus or writ in the nature of mandamus to the respondent not to substitute Shri R.T. Shelke, the administrator on Shri Sant Eknath Sahakari Sakhar Karkhana Limited at Eknathnagar, Tq. Paithan, District Aurangabad by appointing the administrative Board as the administrator on the said Karkhana.”

2. It appears that main grievance was in respect of election and now the learned advocate for respondent nos.2 and 3 is placing on record election programme of the Sakhar Karkhana. It is taken on record by marking Exhibit ‘A’. As per the said programme, now the period is prescribed for withdrawal of the nomination form and as regards further stages are concerned, Schedule has been given. Under the said circumstance, it can be certainly taken that election would be held as scheduled.

3. In view of this development, the learned senior counsel Mr. V.D. Hon instructed by Mr. A.V. Hon for the petitioner submits that purpose of this petition is achieved and, therefore, the petition can be disposed off. He, however, requests that interim order that was granted on 4.7.2023 that *“till the next date, the administrator who has been appointed by order dated 12.6.2023 shall not be replaced”*, be continued till the elections are over.

4. In view of the subsequent events, now when the election programme has been declared and steps as per schedule are going-on, purpose of the petition is said to be

served and, therefore, the writ petition stands disposed off. However, till the elections are over, the interim order, that was granted by this Court on 4.7.2023 regarding appointment of the Administrator, will remain in force.

5. In view of disposal of the writ petition, pending civil applications, if any, stand disposed off.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)
...

aaa..