

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

Writ Petition NO. 1524 OF 2023

Anil Harichandra Upare	...Petitioner
Versus	
The Returning Officer Of Bhagyoday Co-op Hou. Soc. Ltd. Solapur And Ors	...Respondents

...

Mr. S. G. Kudle, Advocate for the Petitioner.

Shri. N. K. Rajpurohit AGP for Respondent-State.

Mr. Yashodeep Deshmukh (Through VC) i/b. Mr. V. V. Sangvikar,
Advocate for Respondent No.2.

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**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 21st NOVEMBER, 2024

PC. :

1. The Petitioner has approached this Court seeking to raise grievance to the conduct of election of Bhagyoday Co-operative Housing Society Limited, Solapur. Prayer clause (b) in the Writ Petition reads as under :-

“This Hon'ble Court be pleased to issue writ of certiorari, order direction or any other order, direction or appropriate writ in the nature of certiorari calling for records and proceedings in respect of so-called election of Bhagyoday (PWD) Co-operative Housing Society Ltd., Solapur for 5 financial years which was conducted by the Respondent No.1 herein thereby keeping the majority of the members of the housing society in dark and also thereby getting prepared

bogus voters list beyond the scope of the bye-laws and hence any result which is going to be declared on the basis of the vitiated election programme is not binding upon the Petitioner and the other regular members of the housing society in question and the result in question if any, declared inadvertently is vitiated and the same is bad in law and not binding upon the Petitioner and rest of the members.”

2. Affidavit in reply has been filed by the respondent No.2-Cooperative Housing Society stating therein that the results of election were declared on 6th February 2023 and new Management Committee for the period 2022-2023 to 2027-2028 has been constituted.

3. In our view, various factual aspects would require adjudication for considering the grant of relief sought in the Writ Petition. The same would not be possible under Article 226 of the Constitution of India. Hence, with liberty to the petitioner to avail the statutory remedy and keeping all questions raised open, the Writ Petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]