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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16552 OF 2023**

Rupesh Shravan Deshpande ... Petitioner
Vs.
Manager Wandwards Sahakari ... Respondents
Gruha Rachana Co-op Hsg. Society
Ltd and Another
Mr. Sudhir Vasant Somalwar for the Petitioner.
Ms. S. S. Bhende, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 1st MARCH 2024

P.C.

1. This petition takes an exception to the order dated 26th December 2022 passed by the Election Officer as well as dismissal of the petitioner's appeal by the Deputy Registrar, Co-operative Societies.

2. By the impugned orders the petitioner's nomination form has been rejected on the ground that he is a defaulter. The nomination was regarding elections for the year 2022-23 and it is not in dispute that the election have already been held.

3. Learned counsel for the petitioner states that in view of the impugned order the petitioner will never be permitted to contest election in future.

4. I have perused the record. By the impugned order the petitioner's nomination is rejected on the ground that he was a defaulter on the relevant date. It is the petitioner's contention that though he had made payments the petitioner was illegally declared as defaulter.

5. Learned counsel therefore submits that payment made by the petitioner should be taken into consideration. Perusal of the appeal preferred by the petitioner indicates that he has raised a contention that he has paid certain amounts towards light bill and water charges. It is further contention of the petitioner that there was no audit taken place for the year 2021-2022.

6. The Appellate Authority has taken into consideration all the grounds raised on behalf of the petitioner and has confirmed the order of the Election Officer rejecting the nomination form of the petitioner.

7. So far as the petitioner's contention that he will not be permitted to contest the election in view of the impugned orders is concerned, I do not see any substance in the said argument as petitioner's nomination form has been rejected considering him as defaulter on the relevant date. In the event the petitioner is not a defaulter, it will always be open for the petitioner to contest election by following due procedure and making appropriate application in the future election.

8. The impugned order does not declare the petitioner as a permanent defaulter. Hence, I do not see any reason to interfere in the petition. I do not find any error or any illegality in the impugned orders. Hence, I do not find any ground to intervene in the impugned order by invoking the writ jurisdiction.

9. Hence petition is dismissed.

10. It is however clarified that the impugned order will not be an impediment for the petitioner to contest election in future as permissible in law.

[GAURI GODSE, J.]