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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16174 OF 2024

Yuvraj Datajirao Patil .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr. Sandeep Koregave for petitioner.
Mr. S. L. Babar, AGP for respondent nos.1 to 4.

CORAM: ALOK ARADHE, CJ. &
BHARATI DANGRE, J.

PRAVIN DASHARATH PANDIT
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Date: 2025.03.10 15:19:39 +0530

DATE: 10th MARCH, 2025

ORDER [Per Chief Justice]:

1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.

2. In this writ petition, the petitioner has sought a declaration that that petitioner is eligible for re-appointed/re-nominated/re-elected or re-adopted as member of new managing committee to Shetkari Sahakari Sangh, Kolhapur and also for a declaration that order dated 30th August, 2018 passed by the District Deputy Registrar, Cooperative Societies against the petitioner has come to an end by efflux of time.

3. Facts giving rise to filing of this petition, in nutshell, are that some time in the year 2015, the petitioner got elected as Chairman and member of board of directors of Shetkari Sahkari Sangh Ltd. On 5th May, 2017, a complaint was filed

against the petitioner before the District Deputy Registrar, in which an allegation was made that the petitioner has obtained the loan on 27th March, 2012 and has not repaid the same and is a defaulter. Thereupon, the District Deputy Registrar issued a show-cause notice on 11th May, 2017 to the petitioner and called upon him to submit an explanation. The petitioner submitted his reply on 13th June, 2017. On 29th June, 2017 an order was passed by which it was held that the petitioner has incurred disqualification under the provisions of the Maharashtra Cooperatives Societies Act, 1960 (the Act of 1960).

4. The petitioner thereupon filed a revision before the revisional authority. The revisional authority by an order dated 19th July, 2017 dismissed the revision preferred by the petitioner. The petitioner challenged the aforesaid order in a writ petition, being Writ Petition No. 8433 of 2017 in which the matter was remitted to the revisional authority for decision afresh.

5. Thereupon, the revisional authority, by an order dated 30th August, 2018 again passed an order of disqualification against the petitioner for a period of one term for being re-appointed/re-nominated and re-elected or readopted. The petitioner challenged the aforesaid order in revision which was once again dismissed. In the aforesaid factual background, the petitioner has approached this Court.

6. In the petition the petitioner has sought the relief of declaration with regard to his eligibility to participate in the process of election. The nomination paper filed by the petitioner has already been rejected. Against the order of

rejection of nomination paper, the petitioner has a remedy under Section 152A of the Act of 1960 which the petitioner has not availed. The dispute appears between the member and the cooperative society with regard to participation in the election. Therefore, in our considered opinion, no case for interference is made out under extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. However, the writ petition is disposed of with the liberty to the petitioner to take recourse to such remedy as may be available to him in law.

(BHARATI DANGRE, J.) **(CHIEF JUSTICE)**