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

WRIT PETITION NO.3524 OF 2025

Santosh Baban More

... Petitioner

V/s.

District Deputy Registrar & Anr.

... Respondents

Mr. Niranjana Bhavake with Mr. Anurag Ramekar i/by
Bhavake & Associates for the petitioner.

Mr. S.D. Rayrikar, AGP for the respondents- State.

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CORAM : AMIT BORKAR, J.

DATED : MARCH 7, 2025

P.C.:

1. The writ petition challenges an order passed in exercise of powers under Section 152A of the Maharashtra Cooperative Societies Act, 1960 dismissing petitioner's appeal arising out of rejection of nomination papers on the ground that the petitioner is disqualified on the ground that he is having more than two children on the date of his election.

2. Though the Revisional Authority initially granted stay to the order of disqualification; however, vacated the same after scrutiny of nomination papers. It appears that on the date of scrutiny of nomination paper, the order of disqualification was stayed. Therefore, prima facie the order of rejection of nomination paper appears to be illegal.

3. However, since the voting is on Sunday, 9 March 2025, it is not possible to postpone the election in view of judgment of the Apex Court in *Shri Sant Sadguru Janardan Swami v. State of Maharashtra & Ors.* (AIR 2001 SC 3982 : 2001 (8) SCC 509).
4. The circumstances in relation to the validity of the order needs to be considered in a petition under Section 91 of the Maharashtra Cooperative Societies Act, 1960 by filing election petition and, therefore, the petitioner is at liberty to file election petition after election process is over.
5. In case such election petition is filed, the Cooperative Court shall decide the same within six months from the date of filing of such petition.
6. Hence, by keeping all questions raised by the petitioner open to be agitated in the election petition, the writ petition stands disposed of.

(AMIT BORKAR, J.)