



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2298 of 2025

[Saurabh Nitin Kirkte ..vs.. Deputy Registrar of Cooperative Society, Amravati and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Nilesh Gawande, Advocate for the petitioner
Ms. D. V. Sapkal, AGP for respondent nos. 1 and 2
Mr. Tushar Tathod, Advocate for respondent no. 3
Mr. T. S. Deshpande with Mr. Satish Gattani, Advocates for respondent
no. 4

CORAM : ANIL L. PANSARE J.

DATED : 05-05-2025

On 28-4-2025, following order was passed.

*“Leave to delete respondent Nos.5 to 21 is granted
at the risk of the petitioner. Amendments be carried out
forthwith.*

*02. Issue notice to the respondents, returnable on 5th
May, 2025.*

*03. Learned A.G.P. waives service of notice for
respondent Nos.1 and 2.*

*04. In addition to usual mode of service, the petitioner
may serve the respondents by all permissible modes
including service by speed-post and shall file affidavit of
service.”*

2. As could be seen, the petitioner chose to delete
respondent nos. 5 to 21.

3. Learned counsel for respondent no. 4 submits that
respondent nos. 5 to 21 were the persons whose nomination
was accepted. He submits that they having been not made
party, the petition itself is not maintainable. In support, he has
invited my attention to the judgment passed by coordinate
Bench of this Court in the case of ***Vijaysingh Krishnarao Parbat
Vs. Returning Officer and ors. [2003(2) ALL MR 523]*** wherein
on the point of non-joinder of party, the Court held as under :-

“9. As rightly submitted by the learned Advocates for the respondents, the Division Bench has already held that in order to enable the party to challenge the decision of the Returning Officer as regards the rejection of the nomination paper, all other candidates are necessary parties to the proceedings and, admittedly, in the case in hand neither at the stage of the appeal under Section 152A of the said Act nor in this proceedings all the candidates have been joined as the parties. On this count also, the petition is liable to be rejected.”

4. As could be seen, the Court has referred to the judgment rendered by the Division Bench wherein it was held that where challenge is to the decision of the Returning Officer as regards the rejection of the nomination paper, all other candidates are necessary parties to the proceedings.

5. In the present case, respondent no. 4's nomination was rejected. He filed appeal under Section 152A of the Maharashtra Cooperative Societies Act, 1960 (for short 'the Act of 1960'). He made respondent nos. 5 to 21 as party respondents. The petitioner is aggrieved by the aforesaid order. Thus, the proceeding arises out of rejection of nomination of respondent no. 4. That being so, all other candidates including respondent nos. 5 to 21 would be necessary party. Their names having been deleted, the petition itself is not maintainable. The same is accordingly dismissed as not maintainable.

6. The petitioner may, however, avail remedy under Section 91 of the Act of 1960 once the elections are conducted and results declared.

(Anil L. Pansare, J.)