

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO.8261 OF 2016**

Ramesh Popat Mahale & Ors.

..Petitioners

Vs.

**The Antervali Karyakari Seva
Sahakari Sanstha & Ors.**

..Respondents

Mr P N. Joshi for the Petitioners

Mrs Vaishali Nimbalkar AGP for the Respondent Nos.2 to 4

CORAM : R. M. SAVANT, J.

DATE : 23rd MARCH, 2016

P.C.

1 The Petitioners have not taken exception to the non inclusion of their names in the provisional list of voters but have directly approached this court under Articles 226 and 227 of the Constitution of India. The Petitioners seeks to rely upon the case of 33 other members in respect of whom it seems directions came to be issued by the Returning Officer, to the Respondent No.1 society to include their names in the final list of voters. However, the distinguishing factor between the Petitioners and the said 33 members is that the said 33 members had taken objection to the non inclusion of their names and hence assuming that the names of the said 33 members were included, the Petitioners cannot be treated at par with the said 33 members as they had never objected to their non inclusion in the voters list.

2 In any event, since the above Petition is directed against the non inclusion of the names of the Petitioners, the same would entail going into disputed questions of fact in the Writ Jurisdiction of this Court. Hence no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

3 However, it would be open for the Petitioners to seek appropriate recourse if so advised after the elections are over.

[R.M.SAVANT, J]