

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 5116/2016

(Shri Baburao Khushalrao Nandurkar & another vs. The State Cooperative Election Commission
and others)

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

Court's or Judge's order

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Mr.J.B. Kasat, Advocate for the petitioners
Ms. Tajwar Khan, Assistant Govt. Pleader for Respondent Nos. 1 to 3
Mr.patil, Advocate for Respondent no.4.

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**
DATED : 28th November, 2016.

Heard.

By this Writ Petition, the petitioners have challenged the final voters list published by the respondent no.3 for election to the Tondgaon Seva Sahakari Sanstha.

According to the petitioners, though the Assistant Registrar, Cooperative Societies, Chandur Bazar, had held that the names of the concerned 56 members should be removed from the membership of the society, the respondent no.3 has wrongly included their names in the voters list for the election to the respondent no.4-society.

It is brought to the notice of this Court that the order of the Assistant Registrar on which the petitioner relies for removal of the name of 56 members from the voters list, is challenged by the concerned voters before the Appellate authority and after hearing the parties, the Appellate authority has closed the matter

for orders. In this background, it would not be proper for this Court to interfere in exercise of the writ jurisdiction and direct the removal of the names of the voters from the voters' list. Even otherwise, it would be necessary for the petitioners to avail the alternate remedy if they have a grievance about the inclusion or non-inclusion of certain names in the voters' list. This Court would be slow in exercising jurisdiction with a view to interfere with the voters' list, under Article 226 of the Constitution of India, especially when an alternate remedy is available.

In the circumstances of the case, we dismiss the Writ Petition with no order as to costs.

JUDGE

JUDGE

safare