

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.22 OF 2022

**MACHINDRA DADA MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for Petitioner : Ms. S. A. Kale h/f Mr. A. B. Kale

AGP for Respondents – State : Mr. Y. G. Gujrathi

Advocate for Respondent Nos. 2 to 4 : Mr. V. H. Dighe

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 04th JANUARY, 2022

PER COURT :

1. The objection of the petitioner for inclusion of names of respondent Nos. 7 to 16, who are the members of respondent No.5 and respondent No.6 Cooperative Societies, in the voters list is rejected by the returning officer. The petitioner is aggrieved by this order.

2. The learned advocate for petitioner strenuously submitted that the said rejection is challenged before the Assistant Registrar, Co-operative Society, Rahuri and he has issued notice under Sections 11 and 25 of the Maharashtra Co-operative Societies Act, 1960 (for short 'the Act, 1960'), to the concerned members whose names are sought to be deleted from the provisional voter list. In that view of the matter, the provisional voter list may be stayed as the same is to be finalised as per

the election program.

3. The learned advocate representing respondent Nos. 2 to 4, on the other hand, submits that in view of Section 11 read with Section 25 of the Act of 1960, the members can be disqualified only after hearing them. Therefore, notice under Section 11 is issued to the respondents and they are called upon to submit their say on 10-01-2022.

4. This Court, by relying on decision of the Division Bench of this Court at Principal Seat in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others, Writ Petition No.5878/2021**, has already taken a view that, in view of availability of alternate and efficacious remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960, read with Rule 78 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014, the petition is not maintainable.

5. In that view of the matter, the writ petition is dismissed with liberty to the petitioner to avail the alternate remedy. All the contentions of the petitioner are kept open.

(NITIN B. SURYAWANSHI, J.)