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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.674 OF 2022

Kisan Baburao Acharay

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Chandrakant V. Tbombre, Advocate for the petitioner

Mr. S. W. Munde, AGP for respondent - State

Mr. V. H. Dighe, Advocate for respondents No. 2 and 4

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th JANUARY, 2022

ORDER :

1. This petition impugns order dated 7th January, 2022 of the Returning Officer, thereby rejecting the objection of the petitioner to the provisional voters list for the election of housing society.

2. It is not in dispute that voters' list is finalized.

2. Learned advocate representing respondents No. 2 and 4, by relying on the decision of the Division Bench of this Court at Principal Seat in Writ Petition No. 5878 of 2021 (*Dattatray Genaba Lole and Others V/s The Divisional Joint Registrar Co-operative Societies, Pune and Others*) submitted that the

petitioner has alternate efficacious remedy, hence, the petition may be dismissed. In that case, challenge was raised to the dismissal of the objection application and the preparation of provisional voters' list from which the petitioner's name was excluded. These were held to be intermediate stages in the election process contemplated under the Maharashtra Co-operative Societies Act and rules. The Division Bench, therefore, held the petition to be not maintainable and dismissed the same on the ground of availability of alternate remedy of filing election petition.

3. In the light of the above decision, this petition is not maintainable, the same is dismissed, with liberty to the petitioner to file election petition under section 91 of the Maharashtra Co-operative Societies Act read with Rule 78 of the Maharashtra Co-operative Societies Rules. All the contentions of the petitioner are kept open.

[NITIN B. SURYAWANSHI]
JUDGE