

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 793 OF 2022

Mata Yedeshwari Swaymrojgar
Seva Sahkari Sanstha .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

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Mr. R. D. Khadap, Advocate for the petitioner

Mr. S. W. Munde, AGP for respondent no.1 – State

Mr. S. K. Kadam, Advocate for respondents no. 2 and 3

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 14-01-2022

PER COURT :-

The objection of the petitioner about non inclusion of its name in the provisional voters' list for election of respondent no. 4 bank, is rejected by respondent no.3 - District Co-operative Election Officer and the Divisional Joint Registrar Co-operative Societies, Latur, on the ground that the resolution was not passed within stipulated time.

2. Mr. S. K. Kadam, learned Advocate appearing for respondents no. 2 and 3 submits that final voters' list is published on 01.01.2022. He also raised an objection as to the maintainability of this petition, 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 Versus The Divisional Joint Registrar Co-operative Societies, Pune and Others*).

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

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