

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2026 OF 2022

Malanbai Shetiba Dudhkavde and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Shahaji B. Ghatol-Patil, Advocate for the petitioners

Mr. S. N. Kendre, AGP for respondent - State

Mr. S. K. Kadam, Advocate for respondents No. 5 to 7

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th FEBRUARY, 2022

ORDER :

1. The petitioners claim to be the members of respondent No. 8 society. They have filed objections seeking inclusion of their names in the final voters' list of respondent No. 8 society. The objections are rejected by the District Co-operative Election Officer and District Deputy Registrar, Co-operative Societies, Nanded. The petitioners are aggrieved by these orders.

2. Learned advocate representing respondents No. 5 to 7, relying on the decision of 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 in view of availability of the alternate remedy, the writ petition may not be entertained.

3. In the said judgment, the Division Bench has taken a view that alternate efficacious remedy under section 91 of the Maharashtra Co-operative Societies Act read with Rule 78 of the Maharashtra Co-operative Societies Rules, is available to the petitioner and hence, the petition is not maintainable.

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

[NITIN B. SURYAWANSHI]
JUDGE