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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2024 OF 2022

Ramkishan Marotrao Shinde

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Suraj V. Gundre, Advocate for the petitioner

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

Mr. S. K. Kadam, Advocate for respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th FEBRUARY, 2022

ORDER :

1. Learned advocate for the petitioner, at the outset, seeks permission to correct name of respondent No.3 in the cause title of the writ petition. Permission granted. Correction to be carried out during the course of the day.

2. The objection raised by the petitioner seeking inclusion of the names of some of the members / voters in the provisional voters' list of respondent No.4 co-operative society is rejected by respondent No.3. Hence, the present writ petition.

3. Mr. Kadam, learned advocate for respondent No.3 states

that in view of 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*) present writ petition is not maintainable.

4. In the said decision it is held that the petitioner has alternate and efficacious remedy of filing election petition under section 91 of the Maharashtra Co-operative Societies Act read with Rule 78 of the Maharashtra Co-operative Societies Rules.

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

[NITIN B. SURYAWANSHI]
JUDGE