

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

WRIT PETITION NO.2971 OF 2022

**DATTU SHIVRAM KATKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...
Advocate for Petitioners : Mr. Y. H. Lagad h/f N. V. Gaware
AGP for Respondents – State : Mr. Y. G. Gujarathi
Advocate for Respondent Nos. 2 & 3 : Mr. V. H. Dighe

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28th FEBRUARY, 2022

PER COURT :

1. The petitioners are aggrieved by deletion of their names from the voters list of respondent No.4 Society, on objections taken by certain persons on account of political rivalry in village. The learned advocate for petitioners strenuously argued that the impugned order is contrary to the provisions of Rule 8 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014. Without hearing the petitioners their names are erroneously deleted from the voters list.

2. The learned advocate representing respondent Nos. 2 and 3, on the other hand, by placing reliance on the decision of the Division Bench 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, 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 held that, in view of the availability of alternate 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.

3. 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.)