

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

24 WRIT PETITION NO.2969 OF 2022

KESHAV PRAKASH NIKAM AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. A. N. Gaikwad  
AGP for Respondents – State : Mr. P. N. Kutti  
Advocate for Respondent Nos. 2 & 3 : Mr. V. H. Dighe

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28<sup>th</sup> FEBRUARY, 2022

PER COURT :

1. The petitioners are aggrieved by deletion of their names from the voters list of respondent No.4 Society on an objection taken by respondent No.5. The learned advocate for petitioners strenuously argued that the impugned order is contrary to the provisions of Rule 8 of the Maharashtra Cooperative Societies Rules, 1961. Without hearing the petitioners their names are erroneously deleted from the voters list. In support of his submission, he placed reliance on the judgment passed by the Division Bench of this Court at Principal Seat in **Dhondiba Parshuram Kakade Vs. Someshwar Sahakari Sakhar Sarkhana Ltd. and Others**, reported in 1979 Mh.L.J. 311.

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.)**