

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3258 OF 2022

VAIJNATH SHIVAJI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sanjay Kotkar
AGP for Respondents: Mr. S.W Munde
Advocate for Respondent No. 3 : Mr. S.K. Kadam

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th MARCH, 2022

ORDER :

1. The objection of the Petitioner seeking exclusion of voters from the voters list is rejected by Respondent No. 3. The said order is impugned in the present petition.

2. The learned advocate for Respondent No. 3 challenges the maintainability of the present petition by relying on the Division Bench judgment of this Court at Principal seat in the case of **Dattatraya Genaba Lole & Others Versus The Divisional Joint Registrar Co-operative Societies, Pune and Others** (Writ Petition No. 5878/2021),

wherein a view is taken that there is alternate efficacious remedy of filing election petition under Section 91 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 78 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, after the election result is declared.

3. In that view of the matter, the writ petition is dismissed with liberty to the Petitioner to avail appropriate remedy as available in law. All the contentions of the petitioner are kept open.

4. The application dated 17.02.2022 filed by the Petitioner before the Respondent No. 4 be expeditiously decided within four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE