

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

WRIT PETITION NO.3268 OF 2022

**ASHOK BHAGWANTRAO GONDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. A. B. Kale h/f Mr. B. V. Thombre, Advocate for the Petitioners
Mr. S. B. Pulkundwar, AGP for Respondents/State
Mr. S. K. Kadam, Advocate for Respondent Nos.2 & 3
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17TH MARCH, 2022

ORDER :

. On objection taken by respondent nos.7 and 8, respondent no.3 by order dated 24/02/2022 deleted the names of petitioners from the final voters list of respondent no.5/Society. The petitioners are aggrieved by deletion of their names.

2. Respondent no.4 after hearing the petitioners directed deletion of the names of the petitioners from the membership register of respondent no.5/Society by order dated 07/09/2022. Accordingly, names of the petitioners were deleted from the membership register of respondent no.5/Society.

3. The respondent no.5/Society passed a Resolution in the meeting dated 19/11/2020, thereby giving membership to the petitioners with retrospective effect. The respondent no.3 deleted the names of the petitioners as the petitioners were given membership by resolution passed on 19/11/2020, as the petitioners do not fulfill the criteria laid down under Section 27(3)(A) of the Maharashtra Co-operative Societies Act, 1960.

4. The learned Advocate for the petitioners vehemently submitted that no opportunity of hearing was given to the petitioners while passing the impugned order. According to him, even the order dated 07/09/2020 passed by the respondent no.4/Assistant Registrar is not served on the petitioners and therefore, the impugned order since is passed in violation of principles of natural justice, is liable to be quashed and set aside and the petitioners be given opportunity of hearing before the respondent no.3. In support of his submission, he placed reliance on **Dudhganga Vikas Sewa, Santha, Maryadit Vs. Distt. Collector Kolhapur & Ors.** reported in 2006 DGLS (SC) 377, **Sandip Vasantrao Lahare Vs. State of Maharashtra and Ors.** reported in 2005 (2) Mh.L.J. and **Pratap Nagarik Sahakari Patsanstha Ltd. Vs. Collector and Ors.** reported in 2011 (6) Mh.L.J.

5. This petition raises several disputed questions of facts. Admittedly, the petitioners have not challenged the order dated 07/09/2020 directing deletion of their names from the membership register of respondent no.5/Society. The final voters list is published on 04/03/2022 and the election programme is required to be declared within 10 to 20 days from the said date.

6. In view of the Division Bench decision in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Co-operative Societies, Pune and Others** reported in **2022(1) BomCR 471**, since the petitioners have alternate remedy, this Court is not inclined to entertain the petition. Writ Petition is, therefore, dismissed with liberty to the petitioners to avail alternate remedy. All contentions of the petitioners are kept open.

[NITIN B. SURYAWANSHI, J.]

Sameer