

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

WRIT PETITION NO.3452 OF 2022

**NITIN SHESHERAO AVHAD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Narayan B. Narwade
AGP for Respondent – State : Mr. S. B. Pulkundwar
Advocate for Respondent No.2 : Mr. V. H. Dighe

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11TH MARCH, 2022

PER COURT :

1. The objection taken by the petitioners to the inclusion of 217 members of respondent No.4 Society in the provisional voters' list is rejected by respondent No.2. The petitioners are aggrieved by the said rejection.

2. The petitioners objected that the said 217 members are bogus and they do not have any land within the area of operation of the Society. Respondent No.2 called report of the Secretary of the Respondent No.4 Society. The Secretary submitted a report stating that the said 217 members are old members of the Society and they are in arrears of loan advanced to them by the Society. They have exercised their voting right in the elections held in the year 2011 and 2016.

Therefore, they are eligible members and their names should be retained in the final voters' list. Considering the objection and the said report, respondent No.2 has rejected the objection of the petitioners.

3. The learned advocate appearing for respondent No.2, by placing reliance in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, contended that this petition may not be entertained in view of availability of alternate remedy to the petitioners.

4. Since the impugned order is passed by considering the report of the Secretary of respondent No.4 Society and in view of the availability of alternate remedy to the petitioners, this Court is not inclined to entertain the present writ petition. Writ petition is, therefore, dismissed with liberty to the petitioners to avail alternate remedy. All the contentions of the petitioners are kept open.

(NITIN B. SURYAWANSHI, J.)