

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3561 OF 2022

BAGIRAO GOVINDRAO KURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Shahaji B. Ghatol Patil
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent Nos. 5 to 7 : Mr. S. K. Kadam
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15TH MARCH, 2022

PER COURT :

1. The petitioner objected to the inclusion of respondent Nos. 9 to 27 in the final voters' list of respondent No.8 Society. Respondent No.6 rejected the said objection after calling report of the Secretary of respondent No.8 Society as well as respondent No.4 Assistant Registrar.
2. The learned advocate for petitioner vehemently submitted that the impugned order is contrary to the record and no opportunity of hearing was given to the petitioner. By relying on the judgment of the Division Bench of this Court in *Dalsing s/o Shamsing Rajput Vs. State of Maharashtra and Others*, reported in *2006(3) Mh.L.J. 592* and *Shriram Sahakari Dudh Utpadak Sanstha Maryadit and Another Vs. State of Maharashtra and Others*, reported in *2022(1) Mh.L.J. 656*, he urged that

this Court in the facts of the present case should interfere in the impugned order and the same would not amount to interference in the election process.

3. The learned advocate for respondent Nos. 5 to 7, on the other hand, submits that the impugned order is passed after calling report of the Secretary of respondent No.8 Society as well as respondent No.4 Assistant Registrar, Cooperative Societies, who have verified record and then submitted their respective report that the names of respondent Nos. 9 to 27 are required to be included in the final voters' list.

4. *Prima facie* the impugned order appears to be passed on the basis of verification of record of respondent No.8 Society. Several disputed questions of facts are involved in the present writ petition.

5. The Division Bench of this Court in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, held that the preparation of voters' list is an intermediate stage in the election process and therefore, the writ petition challenging inclusion or deletion of names of the voters' may not be entertained.

5. In that view of the matter, the writ petition is dismissed

with liberty to the petitioner to avail alternate remedy. All the contentions of the petitioner are kept open.

(NITIN B. SURYAWANSHI, J.)

SVH