

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

WRIT PETITION NO.3517 OF 2022

**DEVRAO KERBA BIRADAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS.**

...

Advocate for Petitioner : Mr. R. D. Biradar
Advocate for Respondent No.2: Mr. V. H. Dighe
AGP for Respondents/State: Mr. S. B. Pulkundwar

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th March, 2022

ORDER :

1. The objection of the petitioner for deletion of bogus names in the preliminary voters list of respondent no.3 Society is partly allowed by respondent No.2. The petitioner is aggrieved by the said order.
2. Pursuant to the objection raised by the petitioner, a report was called from the Taluka Co-operative Election Officer, Shirur. He submitted the report that while registering respondent No.3, all the agriculturist in the said village were members of Dighol Society and after registration of new respondent No.3 Society, the Dighol Society ought to have transferred the members of village Sumthana to respondent No.3 Society, but that was not done. The petitioner is

entitled to file proceeding under Section 11 of the Maharashtra Co-operative Societies Act, 1960. On the basis of the report, the impugned order is passed.

3. Several disputed questions of facts are involved in the present petition. The Division Bench of this Court in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Co-operative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, held that preparation and finalisation of voters' list is an intermediate stage of the election process and in view of availability of alternate remedy the writ petition is not maintainable.

4. In the light of the above, 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.]

Sameer