

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

WRIT PETITION NO.3558 OF 2022

**SAMBHAJI GOVIND PATIL (SHEDGE) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. N. P. Jamalpurkar Patil
AGP for Respondents – State : Mr. S. W. Munde
Advocate for Respondent No.2 : Mr. S. K. Kadam
Advocate for Respondent No.3 : Mr. Suniket A. Kulkarni

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15TH MARCH, 2022

PER COURT :

1. On the objections filed by respondent No.3 the names of the petitioners were deleted from the final voters' list of Vividh Karyakari Seva Sahakari Sanstha Maryadit Rani Ankulga, Tq. Shirur Anantpal, District Latur. On receipt of the objections of respondent No.3, respondent No.2 called report from the Secretary of the said Society. The Secretary after going through the record of the said Society submitted a report that though the names of the petitioners appear in the membership register, however, the share certificate and entry fee paid by the petitioners is not found in the record of the Society. Respondent No.3 on the basis of the said report deleted names of the petitioners and others from the final voters' list.

2. The learned advocate for petitioners sought to rely upon the receipts of payment of membership fee. These receipts *prima facie* appears to have been prepared subsequently.

3. Several disputed questions of facts are involved in the present matter and since the impugned order is passed on the basis of the report submitted by the Secretary of the said Society, this Court is of the *prima facie* view that the impugned order needs no interference.

4. The petitioners has alternate efficacious remedy of filing election dispute after declaration of the results, as has been held by 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**.

5. In that view of the matter, the writ petition is dismissed with liberty to the petitioners to file election dispute. All the contentions of the petitioners are kept open.

6. In case election dispute is filed by the petitioners the same shall be decided on it's own merits without being influenced by the observations in this order.

(NITIN B. SURYAWANSHI, J.)