

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3562 OF 2022

SANTRAM NAGORAO DHONE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shahaji B. Ghatol Patil
AGP for Respondents – State : Mr. S. B. Pulkundwar
Advocate for Respondent Nos. 5 to 7 : Mr. S. K. Kadam
Advocate for Caveator not made party : Mr. A. D. Khot h/f
Mr. P. D. Bachate

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15TH MARCH, 2022

PER COURT :

1. The objection raised by respondent No.42 for inclusion of names of respondent Nos. 9 to 41 in the final voters' list of respondent No.8 Society is allowed. The petitioner has challenged the said order passed by respondent No.6.
2. The learned advocate for petitioner relied on *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.
3. The petition raises several disputed questions of facts in

respect of payment of share amount, whether amount of share capital is paid and whether there is entry of the same in the record of the society.

4. 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 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.

5. 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.)