

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

WRIT PETITION NO.3683 OF 2022

**SANKET UMAKANT MALLISHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 17TH MARCH, 2022

PER COURT :

1. Leave to correct the prayer clause is granted. Correction to be carried out forthwith.
2. On the objection taken by respondent No.4 names of the petitioners are deleted from the final voters' list of respondent No.3 Vividha Karyakari Seva Sahakari Cooperative Society Ltd., Rani Ankulga, Tq. Shirur Anantpal, Latur. On receipt of the objection of respondent No.4 respondent No.2 called report from the Secretary of the Society. The Secretary after going through the record submitted a report that though the names of the petitioners appear in the membership register, however, there is no record about the entry fee paid by the petitioners and share certificate issued to them. On the basis of the said report respondent No.2 deleted names of the petitioners and others from the final voters' list.

3. Several disputed questions of facts are involved in the present petition 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 petition need not be entertained, since the petitioners have 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**. At this stage the impugned order needs no interference.

4. 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.

(NITIN B. SURYAWANSHI, J.)