

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

WRIT PETITION NO.4196 OF 2022

**MOHAN VENKATRAO JADHAV AND ANOTHER
VERSUS
THE COMMISSIONER, STATE COOPERATIVE ELECTION AUTHORITY
MAHARASHTRA STATE PUNE AND OTHERS**

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Advocate for Petitioners : Mr. L. H. Kawale
Advocate for Respondent Nos. 1& 2 : Mr. S. K. Kadam
Advocate for Respondent No.23 : Mr. M. S. Deshmukh h/f
Mr. U. L. Momale

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 08TH APRIL, 2022

PER COURT :

1. The objection filed by the petitioners to delete names of 109 members from the provisional voters' list is negated by the returning officer/respondent No.2. The petitioners by relying on the certificate issued by the Talathi that the members whose names are sought to be deleted do not have land in the said village and the certificate issued by the Village Development Officer that 22 persons are not residents of the said village, sought deletion of names of the respondent Nos. 4 to 112. The respondent No.2 after obtaining the report of the Assistant Registrar that except Sr. Nos. 74 and 80 all the persons are the members of respondent No.3 Society and they have deposited Rs.100 towards share capital, so also, their names appear in Form-I Register, rejected the

objection of the petitioners. The voters' list is finalised on 05-04-2022.

2. Since the present petition raises disputed questions of facts which cannot be gone into in extraordinary writ jurisdiction at this stage and in view of the availability of alternate remedy to the petitioners in terms of decision of 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**, the writ petition is dismissed with liberty to the petitioners to avail alternate remedy. All the contentions of the petitioners are kept open.

(NITIN B. SURYAWANSHI, J.)