

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4461 OF 2022

AVINASH RAMRAO AKOLKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

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Advocate for Petitioners : More Abhijit S.
AGP for Respondents/State : Mr. S. N. Kendre
Advocate for Respondent Nos. 2 and 3 : Mr. V.H. Dighe

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 20th APRIL, 2022.

P.C.

1. The Petitioners are aggrieved by the deletion of their names from the final voters list of Respondent No.4/Society by Respondent No.3. The Petitioners claim that they are old members and therefore the provision of amended bye-laws cannot be made applicable to them. By relying on the Division Bench Judgment of this Court in Writ Petition No. 1266/2016, Petitioners claim that they were not given an opportunity of hearing before deleting their names from final voter's list.

2. Learned Advocate for the Respondent Nos. 2 and 3 supports the impugned order. He submits that on the basis of certificates issued by Talathi that the Petitioners do not possess 10 R land in the area of operation of Respondent No.4/Society, the names of the Petitioners are deleted from the final voters list. He further placed reliance on the Division Bench Judgment of this Court in Writ Petition No. 3118/2022, in which similar grievance was raised and the Division Bench has dismissed the petition.

3. This petition raises several disputed question of facts which cannot be gone into extra ordinary writ jurisdiction at this stage.

4. In the light of decision in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Co-operative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, the Petitioners have alternate remedy available.

5. In view of the above, Writ petition is dismissed with liberty to the Petitioners to avail alternate remedy. All contentions of the

Petitioners are kept open.

6. The Petitioners are directed to pay the deficit Court fee by Friday.

[NITIN B. SURYAWANSHI, J.]

Najeeb