

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

WRIT PETITION NO.4556 OF 2022

**AHMADKHAN NOORKHAN TADVI AND OTHERS
VERSUS
STATE CO-OPERATIVE ELECTION AUTHORITY THROUGH ITS SECRETARY
AND OTHERS**

...
Advocate for Petitioners : Mr. Deshmukh Mahesh S.
AGP for Respondents/State : Mr. P N. Kutti
Advocate for Respondent Nos. 1 to 3 : Mr. S. K. Kadam
Advocate for Respondent No. 4 : Mr. S. G. Chapalgaonkar
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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 28th APRIL, 2022.

P. C.

1. The Petitioners are aggrieved by non-inclusion of their names in the final voters list of Respondent No.4/Society. According to the Petitioners, they are members of the Respondent No.4/Society since long and they have exercised their voting right in previous elections, still their names are not included in the list of borrower members category. The Petitioners filed objection to the provisional voters list and sought inclusion of their names in the final voters list. The objection of the Petitioners is rejected by the Returning

Officer/Respondent No.2 on the ground that there are no documents to show that loan was sanctioned to the Petitioners. The loan documents of the Petitioners are incomplete. There is no approval to the said loan from the Regional Banking Officer. So also the loan, which is claimed to be distributed to the Petitioners, is not in accordance with Bye-Law no. 9(2)(A).

2. Heard the learned Advocate for the respective parties. Perused the affidavit-in-reply filed on behalf of the Respondent No.4/Society.

3. The Society is disputing about the availment and disbursement of loan to the Petitioners. Though the Society is admitting, they are members, however, it is disputed that they are borrower members.

4. This petition raises several disputed question of facts which cannot be gone into extraordinary writ jurisdiction at this stage.

5. In the light of Division Bench 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. The writ petition is, therefore, dismissed, with liberty to the Petitioners to avail alternate remedy. All contentions of the Petitioners are kept open.

[NITIN B. SURYAWANSHI, J.]

Najeeb..