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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4668 OF 2022

Sunil Shivkaran Dhapate and Another

PETITIONERS

VERSUS

The Commissioner, State Co-operative Election
Authority, Maharashtra State and Others

RESPONDENTS

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Mr. Hanumant P. Jadhav, Advocate for the petitioners

Mr. P. N. Kutti, AGP for respondent - State

Mr. S. K. Kadam, Advocate for respondents No.1 and 2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th APRIL, 2022

ORDER :

1. An objection raised by petitioner No.2 seeking deletion of names of 56 members from the final voters' list of respondent No. 3 society has been rejected by District Co-operative Election Officer – respondent No.2. Similarly, request of petitioner No.1 for inclusion of names of 25 members in the final voters' list of respondent No.3 society is turned down.

2. Respondent No.3 – the Secretary and the Assistant Co-

operative Officer have mentioned in their respective replies that names of 56 members are appearing in the membership register of respondent No.3 society as non borrower members.

3. The objection of petitioner No.2 is rejected by the District Co-operative Election Officer – respondent No.2 holding that there is entry in the record of respondent No.3 society that those 56 persons are members of respondent No.3 society prior to 1st April, 2019.

4. The request of petitioner No.1 seeking inclusion of names of 25 members is rejected by respondent No.2 holding that out of the 25 members mentioned in the application, two are defaulter members, seven are dead and names of three members appear in the provisional voters' list and names of remaining thirteen members do not appear in the record of respondent No.3 society. Therefore, respondent No.2 rejected the objection.

5. This petition raises several disputed questions of facts, which cannot be gone into in the present writ petition at this stage. In view of the decision of the Division Bench of this Court at Principal Seat in Writ Petition No. 5878 of 2021 (*Dattatray Genaba Lole and Others V/s The Divisional Joint Registrar Co-*

operative Societies, Pune and Others), the petitioners have alternate efficacious remedy. Writ petition is, therefore, dismissed with liberty to the petitioners to avail alternate remedy.

6. All the contentions of the petitioners are kept open.

[NITIN B. SURYAWANSHI]
JUDGE

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