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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4669 OF 2022

Bhairavnath Wamanrao Handibag and Others 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. S. N. Kendre, 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. The petitioners are aggrieved by the order passed by the District Co-operative Election Officer – respondent No.2, who has partly allowed the objection of one Handibag Kavidas Kondiba and deleted names of the petitioners from the final voters' list of respondent No.3 society. It is the contention of the petitioners that Secretary - respondent No.3, deliberately did not produce the record of the membership of the petitioners. He has produced the record of only 63 members, whose names are included in the final voters' list.

2. This petition raises several disputed questions of facts,

which cannot be gone into in the present writ petition at this stage. The member of respondent No.3 society, who has taken objection to inclusion of names of the petitioners is not made a party to this petition. 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.

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

[NITIN B. SURYAWANSHI]
JUDGE