

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

**WRIT PETITION NO.4672 OF 2022
WITH CIVIL APPLICATION (ST) NO.13344 OF 2022
IN WP/4672/2022**

**UTTARESHWAR RAMDAS TAPSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. D. J. Choudhary
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent Nos. 2 to 4 : Mr. S. K. Kadam
Advocate for Respondent No.6 : Mr. V. D. Salunke h/f
Mr. M. D. Narwadkar
Advocate for Respondent No.5 : Mr. R. L. Kute

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MAY, 2022

PER COURT :

1. The petitioners are aggrieved by deletion of their names from the final voters' list of respondent No.5 Society. The names of the petitioners are deleted on the ground that their names do not appear in the previous voters' list of the election held in the year 2015.

2. It is the case of the petitioners that they were given membership between 21-03-2013 to 28-02-2015. The petitioners claim that since they were granted membership after the cut-off date fixed for the earlier election, their names did not appear in the final voters' list of that election. The petitioners, therefore, claim that their names may be

included in the final voters' list. The writ petition is vehemently opposed by the respondents, particularly the objector who has pointed out from the documents placed on record that in the audit report the membership fees deposited by the petitioners is not reflected. According to him, the names of the petitioners are, therefore, not liable to be included.

3. Since the petition raises several disputed questions of facts, which cannot be gone into at this stage, this Court is not inclined to exercise extraordinary jurisdiction in favour of the petitioners.

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

5. In the light of the above, writ petition is dismissed with liberty to the petitioners to avail alternate remedy. All the contentions of the petitioners are kept open.

6. Accordingly, the civil application is also disposed off.

(NITIN B. SURYAWANSHI, J.)