

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

WRIT PETITION NO. 4676 OF 2022

**SHESHRAO NIVRUTTI DATTURAJ
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. Bachate Pralhad D.
AGP for Respondents-State : Mr. S. N. Kendre
Advocate for Respondent Nos. 2 to 4 : Mr. S. K. Kadam
...

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 26th APRIL, 2022.**

P. C.

1. The claim of the Petitioner to include his name and names of four persons in the final voters list of Respondent No.5/Society, is rejected. According to the Petitioner, his father was member of Respondent No.5/Society and after his death, the Petitioner being his legal heir, has become member of Respondent No.5/Society and he is repaying the debts of his father. Therefore, his name is required to be included in the final voters list. Similar contentions are raised seeking inclusion of names of four persons in the final voters list of Respondent No.5/Society.

2. The learned Advocate for Respondent No.2 to 4 submits that a procedure under Section 30 read with Bye-Law No.11 of the Society, is required to be followed for becoming member of the Co-operative Society. In the present case, no such procedure is followed, therefore no fault can be found with the order passed by the Respondent No.3.

3. The learned Advocate for Respondent Nos. 2 to 4 states that final voters list is published today.

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

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 Petitioner has alternate remedy available. The writ petition is, therefore, dismissed, with liberty to the Petitioner to avail alternate remedy. All contentions of the Petitioner are kept open.

[NITIN B. SURYAWANSHI, J.]