

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

WRIT PETITION NO. 4678 OF 2022

**KISAN SHESHRAO LEKURWALE
VERSUS
THE COMMISSIONER STATE CO-OPERATIVE ELECTION AUTHORITY AND
OTHERS**

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Advocate for Petitioner : Mr. Kale Ajeet B.
Advocate for Respondent No. 1 and 2 : Mr. V. H. Dighe

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

P. C.

1. At the outset, learned Advocate for the Petitioner seeks deletion of prayer clause C. Permission is granted. Amendment to be carried out forthwith.
2. The objection raised by the Petitioner for inclusion of 95 members (Respondent No. 4 to 98) in the final voters list of Respondent No.3/Society, is rejected by Respondent No.2/Election Officer.
3. The Petitioner objected for inclusion of 95 members in the final voters list on the ground that they do not hold 10 R land in the area of operation of Respondent No.3/Society.

4. The learned Advocate for Respondent No. 1 and 2 submits that there is no material placed on record to show that 95 persons do not possess any land in the area of operation of Respondent No.3/Society.

5. Since this petition raises several disputed questions of fact, it is not possible to entertain the petition at this stage, as the election is going on.

6. In view of the 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. 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.]