

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

WRIT PETITION NO.5053 OF 2022

**SUDHAKAR SHIVAJI BHOSALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...
Advocate for Petitioner :Mr. Bhagwat Nilesh N.
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent Nos. 2 & 4 : Mr. S. K. Kadam

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MAY, 2022

PER COURT :

1. The objection raised by the petitioner to the nomination of respondent No.6, that he is having four children, is rejected by respondent No.4 returning officer on the ground that in terms of Section 73(C) of the Maharashtra Cooperatives Societies Act, 1960, ration card cannot be held to be a proof to support the contention of the petitioner that respondent No.6 is having more than two children. The petitioner failed to produce on record birth and death register extract or any other supporting document.

2. 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 petitioner.

3. 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 petitioner has alternate and efficacious remedy available.

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

(NITIN B. SURYAWANSHI, J.)