

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

WRIT PETITION NO.5081 OF 2022

**AVINASH ASHOK TANAWADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Advocate for Petitioners : Mr. Jaju Nikhil Santosh
AGP for Respondents/State: Mr. P. N. Kutti
Advocate for Respondent No.4: Mr. K. D. Bade Patil
Advocate for Respondent Nos.2, 3 and 5: Mr. S. K. Kadam

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 5th May, 2022

ORDER :

1. By orders dated 25/11/2019 and 17/12/2019, the respondent no.3 directed that the petitioners be given membership of the respondent no.4/Society by completing procedure prescribed in the rules. It is the grievance of the petitioners that till date, the said orders are not complied with and no membership is conferred on the petitioners. The petitioners therefore raised objection before the respondent no.2 for inclusion of their names in the final voters list of respondent no.4/Society. The said objection is rejected on the ground that the petitioners are not members of the respondent no.4/Society.

2. Since this petition raises several disputed questions of fact, it is not possible to entertain the petition at this stage.

3. 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 petitioners have alternate remedy. Writ Petition is, therefore, dismissed with liberty to the petitioners to avail alternate remedy. All contentions of the petitioners are kept open.

[NITIN B. SURYAWANSHI, J.]

Sameer