

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

WRIT PETITION NO.5078 OF 2022

**ASHOK NIVRUTTI TANAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Jaju Nikhil Santosh
AGP for Respondents – State : Mr. S. N. Kendre
Advocate for Respondent No.4 : Mr. K. D. Bade Patil
Advocate for Respondents No. 2, 3 & 5 : Mr. S. K. Kadam

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th MAY, 2022

PER COURT :

1. At the outset, the learned advocate for petitioner, on instructions, makes statement that the petitioner is pressing the petition only to the extent of petitioner and the prayer made in respect of others is not pressed. The objection of deficit Court fee is waived.

2. The petitioner is aggrieved by the rejection of his objection thereby refusing to include name of the petitioner in the final voters' list of respondent No.4 Society. Respondent No.2 has passed the impugned order rejecting the objection on the ground that respondent No.4 has passed resolution and cancelled membership of the petitioner in the year 2017.

3. The learned advocate for petitioner strenuously urged before this Court that, at no point of time notice was ever given to the petitioner before cancellation of his membership. By placing reliance on the decision of the Single Bench of this Court in ***Babasaheb Gokul Shinde Vs. State of Maharashtra and Others, 2017 (2) Mh.L.J. 175***, he states that this Court can entertain the petition at this stage.

4. The learned advocate appearing for respondent Nos. 2 and 3 submits that in view of cancellation of membership of the petitioner, respondent No.2 was justified in rejecting the objection raised by the petitioner. He further submits that the petitioner has to challenge the resolution passed by respondent No.4 Society, by filing dispute under Section 91 of the Maharashtra Cooperative Societies Act, 1960.

5. Learned advocate for respondent No.4 submits that, today the election programme is declared. Since the petitioner has failed to challenge the order of cancellation of his membership, no fault is found with the impugned order passed by respondent No.2. The petitioner is at liberty to challenge the action of the Society of cancellation of his membership by filing appropriate proceedings.

6. Since the election programme is already declared this Court is not inclined to entertain the petition at this stage.

7. 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.

8. 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.)